

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 549/2025

[Earlier O.A. No. 42/2025(CZ)]

I.A. 708/2025 [Earlier I.A. 92/2025]

In the matter of:-

Dheeraj Tiwari

...Applicant

V.

Ministry of Environment, Forest and Climate Change & Ors.

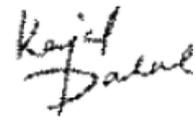
...Respondents

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PLACE: NEW DELHI

FILED ON: 24.11.2025



[KAJAL DALAL]

Advocate for the Applicant

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...Respondents

**REPLY ON BEHALF OF THE APPLICANT TO THE
APPLICATION FOR NON-MAINTAINABILITY FILED ON
BEHALF OF RESPONDENT NO. 6**

MOST RESPECTFULLY SHOWETH:

1. That the Applicant has received a copy of the application for non-maintainability (hereinafter referred to as the “**said application**”) filed by Respondent No. 6.
2. It is submitted that the facts and averments stated in the Original Application (“**OA**”) are true and correct, and the Applicant craves leave to rely upon the same as and when necessary, at the time of hearing.
3. That at the contents of the OA may be read as part and parcel of the instant Reply and same is not repeated for the sake of brevity.

4. The Applicant states and submits that the OA raises substantial questions relating to the environment arising from the continued illegal and unregulated operations of Respondent No. 6, and therefore squarely falls within the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2010.
5. It is submitted by the Applicant that the said application filed by Respondent No. 6 proceeds on a fundamental mischaracterisation of the Applicant's case and seeks to divert attention from the statutory violations committed by Respondent No. 6. The Applicant craves leave to place additional documents and submissions on record, if required, for the just adjudication of the present proceedings.
6. Save and except what are matters of record and what has been stated in the reply herein, allegations and/or statements made in various paragraphs and its sub-paragraphs under reference of the Application are denied and disputed as if the same are set out in seriatim and specifically traversed.
7. With reference to paragraph no. 1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim.
8. With reference to paragraph nos. 2, 3, 4 and 5 of the said application save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and

denied in seriatim. It is denied that the Respondent No. 6 is carrying out bona-fide business of a Coal Tar processing unit in the name of M/s Tethys Chem Private Limited, however, earlier the industry was in operation in the name of S.S. Udyog from 25th July 2001 and it has been serving the people for over 24 years and has earned a good reputation both in terms of business and providing employment to number of people, who earn their living by way of their legal business activities. It is denied that the Original Application is not maintainable before this Hon'ble Tribunal for the reasons hereunder, demonstrating a fundamental misconstrued application of environmental laws and the factual matrix surrounding Respondent No. 6's unit's operations. The Respondent No. 6 has consistently misrepresented the nature of its activities by publicly declaring itself as a coal tar distillation industry while holding Consent to Operate ("CTO") permitting only melting. Such misrepresentation is a direct indicator of illegal operations being carried out which, without the requisite clearance, cause grave harm to the environment, thereby attracting the jurisdiction of this Hon'ble Tribunal.

9. With reference to paragraph no. 6 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the cause of action as per the Applicant first arose as early as 21st June 2024 and as per Section 14 (3) of the NGT Act, 2010 the period of limitation of six months expires in the month of December 2024, therefore, keeping in view this chronology, the Original Application 42/2025 being filed on 23rd

March 2025 is not maintainable as the same is hopelessly barred by limitation. The cause of action is a continuing one inasmuch as Respondent No. 6 continues even today to operate a full-fledged coal tar distillation unit and undertake an illegal expansion without any prior Environmental Clearance (“EC”). The continued violation gives rise to a recurring cause of action and the present Application is fully within limitation.

10. With reference to paragraph no. A1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is the contention of Respondent No. 6 that, it’s unit was operating at the said capacity since 2001 and therefore no prior EC is required. However, the said contention is contrary to the records. It is a fact that Respondent No. 6 was incorporated only on 14th December 2018 and the CTO issued to it on 22nd July 2020 was in supersession to earlier CTOs, which was only issued for Coal Tar Pitch Melting with Production Capacity of 10000 MTPA , therefore the claim of Respondent no. 6 that it has been operating Coal Tar Pitch Distillation Plant at a production capacity of 36,000 MTPA even before the promulgation of EIA Notification, 2006, is misplaced and contrary to the records.
11. With reference to paragraph no. A2 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that Respondent No. 6 was incorporated in 2001, and the Madhya Pradesh Pollution Control Board granted a

No-Objection Certificate (“NOC”) in July 2001 for its operations. It is denied that the unit was established by CSIDC on January 11, 2001, in the Heavy Industrial Area, Hathkhoj, Bhilai, which was notified as an industrial area before 2000. It is denied that this demonstrates that the unit was established and commenced operations well before the EIA Notification, 2006, which was issued on September 14, 2006. In response to the same the contents of the preceding paragraphs are reiterated.

12. With reference to paragraph no. A3 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Respondent No. 3 has clarified vide letter no 1835/RO/TS/CECB/20204 dated 18th June 2024 as amendment for production capacity of Refined Napthalene Balls, Light Oil, Heavy Creosote Oil, Super Creosote Fuel, Coal Tar, Black Paint, Organic Chemical for 36,000 Metric Tonnes Per Year, Coal Tar Pitch (Molten/Granulated) – and 36,000 Metric Tonnes Per Year. Carbozol, Phynole Oil, Wash Oil, Carbon Black Oil – 12,000 Metric Tonnes Per Year. The purported amendment dated 11th June 2024 granting a 1,465% increase in production capacity was issued without inspection, verification, feasibility assessment, or environmental appraisal. Such an abrupt escalation, granted within a week, reflects a complete abdication of regulatory duty and reinforces the illegality of the operations.
13. With reference to paragraph no. A4 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied

and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Respondent No. 7 and the Respondent No. 5 have acknowledged and accepted this fact. It is denied that in their 549th meeting on November 6, 2024 and 184th meeting on November 20, 2024 respectively, while discussing Respondent No. 6's proposal, they noted that an Hon'ble National Green Tribunal (NGT) order dated April 1, 2014 (O.A. No. 173/2013), specifically directed that "those units, which have been established before the EIA Notification, 2006 are not required to obtain EC even if we decide that Tar Manufacturing requires EC." The Respondent No. 6's reliance on Respondent No. 5's/Respondent No. 7's minutes is misplaced as these observations were made solely for the purpose of examining an expansion proposal and do not validate past illegal operations. Further, neither the Respondent No. 5 nor the Respondent No. 7 are judicial authorities to decide on the validity of the CTO issued to the Respondent No. 6, and they have simply reiterated what has been presented before them without any examination or scrutiny. Therefore, such findings cannot be binding upon this Hon'ble Tribunal.

14. With reference to paragraph no. A5 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that this Hon'ble Tribunal should be very cautious in entertaining petitions which are fictitious and filed with a malafide intention. It is denied that it is worthwhile to note at this stage that when the Respondent No. 6 applied for the Enhancement of Capacity of Coal Tar Production, in order to create hindrance in

the process of EC and to delay the matter the Respondent's competitors through the present Applicant chose to file the instant Original Application. It is denied that it is pertinent to mention here that the Respondent No. 6 has already proceeded for grant of EC for which the competent authority, Respondent No. 5, has issued Standard Terms of Reference ("ToR") without public hearing of Category 4(b)(ii) mentioned in EIA Notification 2006 and accepted the proposal for further appraisal in its 184th minutes of meeting. The allegation of malafides is a diversion from the illegal distillation and expansion without prior EC being carried out.

15. With reference to paragraph no. A6 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that based on the precedent of this Hon'ble Tribunal, Respondent No. 6's pre-expansion Coal Tar processing unit, operating since 2001, does not require a prior EC for its capacity of 36000 MT per annum. It is denied that the operations are legitimate and in compliance with law, governing units prior to the EIA Notification, 2006. It is denied that the present Original Application is not maintainable on this sole ground. It is submitted that the Applicant has already highlighted the fact that Respondent No. 6 was only established in the year 2018 and they have not obtained any prior EC for operating the Coal Tar Distillation Plant. Further, they have failed to show any valid CTO before the CTO dated 22nd July 2020 which would show any continuity of operations of Coal Tar Distillation Plant at the capacity of 36,000

MTPA. Hence, the whole narrative of the Respondent no. 6 is based on false assertions.

16. With reference to paragraph no. B1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the issue with regard to the credentials was raised by the Respondent No. 6 on the ground that the Applicant has been complaining against the unit and complaint was filed before the police authorities wherein the police department inquired about the address and credentials of the Applicant Dheeraj Tiwari which was found to be false and it was established that no person with the name "Dheeraj Tiwari" is residing at the address provided by him. It is denied that the applicant has filed another Case No. 272/2025 Dheeraj Tiwari vs Union of India before this Hon'ble Tribunal averring that he is a resident of House Number 429/2 Ward No. 13, Jai Bhawani Colony Khitaula Bazaar, Sihora, Jabalpur, Madhya Pradesh, and the same address has been provided by the Applicant in the IA filed in the instant Original Application, which to the sheer surprise of the Respondent No. 6 was a different address as provided by the Applicant in the instant Original Application. The allegations regarding the Applicant's address have no bearing on the Respondent No. 6s non-compliance with the regulations, and such collateral attacks are intended to deflect attention from substantive environmental violations.
17. With reference to paragraph no. B2 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied

and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the present application constitutes a blatant “Abusus Processus” (abuse of the process of law) and is driven by a malafide intention rather than genuine environmental concern. It is denied that the Applicant has targeted Respondent No. 6 arbitrarily and without due diligence. It is denied that there is strong evidence to suggest that the Applicant is acting as a proxy for a competitor, with the objective of disrupting Respondent No. 6’s business expansion and to continue maintaining a market monopoly. The Respondent No. 6 with a mala fide intent has stated that as per a police report and investigation in Bhilai, the applicant does not live or reside at the address mentioned in the Original Application. On a bare perusal of the alleged police report, it can be understood that an informant going by the name of Ghyansham Giri being the plot supervisor of the Respondent No. 6, who had gone to the police station to lodge a report against the applicant was advised to approach the Hon’ble Court for any relief as the police authorities would not interfere in the matter. However, the applicant had still visited the police report and submitted a written representation providing the true and correct facts of the case. The police authorities on 05 July 2025 duly issued an information sheet under section 174 of BNSS stating that the identification of the Applicant is correct.

18. With reference to paragraph no. B3 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied and disputed that the complainant, Dheeraj

Tiwari, is engaged in a concerted campaign which is not borne out of genuine public interest or environmental concern but rather driven by an ulterior motive to disrupt the legitimate operations of Respondent no. 6, potentially at the behest of, or in connivance with, its market competitors. It is denied that the complainant's direct appeal to the purchasers, suppliers or key customers of Respondent no. 6 urging them to "immediately cease all business relationships with the said company", demonstrates any clear intent to inflict commercial damage and undermine the Respondent No. 6's standing as alleged or at all. It is denied that such actions, ostensibly serve to create an unfair competitive advantage for rival entities by pressuring Respondent no. 6's supply chain or discrediting its compliance as alleged or at all. Issuance of emails informing stakeholders who are procuring materials from the Respondent No. 6 of the various illegalities committed by the Respondent No. 6, including flouting of environmental norms, does not demonstrate an ulterior motive but is an act of cautioning such stakeholders of the illegalities committed by the Respondent No. 6 at the cost of the environment.

19. With reference to paragraph no. B4 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that there exists a group of individuals, such as the Applicant, who in connivance with the competitors construct hurdles and raise unfounded objections before the authorities, departments, and even filed frivolous cases before this Hon'ble

Tribunal thereby undermining the sanctity of this forum and abusing the process of law.

20. With reference to paragraph no. B5 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Applicant's track record, including filing a similar application (OA No. 274/2024) in 2024 with inconsistent details and a police report indicating that the Applicant does not reside at the furnished address, raises serious questions about the Applicant's credibility and the authenticity of this alleged "public-spirited" litigation.
21. With reference to paragraph no. C1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that any proceeding before this Hon'ble Tribunal shall halt the proceedings of grant of EC, which is the ultimate motive and intention of the Applicant through this sponsored litigation. It is denied that the applicant was well aware of the operation of the unit since years but chose to approach this Hon'ble Tribunal when the EC proceedings were underway. The longstanding illegal operation without EC constitutes a substantial question relating to the environment. The pendency of EC proceedings cannot legalise or regularise past and ongoing violations, nor can it bar the Applicant from invoking the jurisdiction of this Hon'ble Tribunal.

22. With reference to paragraph no. C2 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Respondent No. 7 and Respondent No. 5, in their detailed deliberations, specifically recommended and granted ToR, citing the fact that, the existing unit was established in a notified industrial area before 14th September 2006, as per MoEF&CC Office Memorandum dated 27th April 2018, which exempts such projects within notified industrial estates/parks from public consultation if they were established prior to the 2006 Notification and this demonstrates that the authorities are following due process for expansion, contrary to the Applicant's claim of "blatant disregard" and "collusion". The grant of ToR for expansion pertains only to the proposed capacity enhancement and does not validate or sanction existing illegal operations or the unlawful amendment to the CTO dated 18th June 2024.
23. With reference to paragraph no. C3 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Respondent No. 6 has duly complied with the conditions prescribed in CTO issued by the office of the Respondent No. 3. It is denied that the applicant having a dubious identity challenged the CTO issued by the Respondent No. 3 in the year 2024. It is denied that the rule of law barred such petition as per Section 15, 16 of the NGT Act 2010.

24. With reference to paragraph no. D1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the applicant's grievance regarding the operation of the existing unit without EC is based on a flawed premise as demonstrated by the Hon'ble Tribunal's own prior order and the historical facts of the unit's establishment. It is denied that since the existing operations are legally exempt from requiring fresh EC, there is no "substantial question relating to the environment" arising from the continued operation at the existing capacities that warrants an Original Application before this Tribunal. It is denied that the recent inspection of the three-member committee of compliance conditions has been duly carried by the Respondent No. 3 vide letter No 1056/2025 on dated 28th April 2025 is sufficient evidence to establish that, the unit is functioning as per rule of laws. the original jurisdiction of the Hon'ble Tribunal flows from Section 14 of the NGT Act, which empowers it to adjudicate upon disputes of a civil nature involving substantial questions relating to the environment arising from the implementation of enactments listed in Schedule I of the Act. In the present case, the OA satisfies all the jurisdictional requirements under Section 14 of the NGT Act, as it involves a civil dispute, raises substantial environmental concerns, and arises from alleged non-compliance with the Air Act and Water Act, both statutes forming part of Schedule I. It is further submitted that the purported inspection report by the CECB reiterates the conditions of the impugned CTO dated 23 August 2024 and is not based on any independent inquiry.

25. With reference to paragraph no. D2 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the applicant's claims alleging "forgery of Government Documents (CTOs)" and that the company is "producing products without EC" are unsubstantiated. It is denied that the removal of the "only for melting" clause in the August 2024 CTO is a reflection of the actual nature of the existing operation, which as established is exempt from EC for its original capacity due to its pre-2006 establishment and prior consent from MPPCB. It is denied that the authorities' decision to grant ToR dated 9th December 2024 for expansion further validates the interpretation of the existing unit's legally compliant status.
26. With reference to paragraph no. D3 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Hon'ble Tribunal should not entertain an application that seeks to re-litigate issues already settled by previous NGT orders, or that misunderstands the applicability of statutory notifications to old projects. It is denied that the allegations of "collusion" and "environmental violations" for existing capacity are baseless when considered against this Hon'ble Tribunal's own interpretative order and the ongoing, lawful process for expansion. The pendency of the Respondent No. 6's EC application only reinforces the Applicant's case that prior EC was

always required. The Respondent No. 6 seeks to retrospectively justify years of illegal operations through a belated clearance.

27. With reference to paragraph no. D4 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the applicant deliberately concealed the above facts of pending proceeding of Environment Clearance before the Respondent No. 5. The MoMs of the Respondent No. 5 / Respondent No. 7 are available in public domain. It is denied that the applicant has filed instant petition with the only purpose to create obstacle and hold the proceeding, in such case the instant Original Application deserves dismissal.
28. With reference to paragraph no. E1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Respondent No. 6 unit running with all requisite and valid permissions from the competent authorities, including a CTO granted by the Respondent No. 3, which was renewed and is valid from 23rd August 2024 to 17th September 2029 following due verification of documents by the Respondent No. 3. It is submitted that the said CTO was issued in teeth of the EIA Notification, Office Order issued by Respondent No. 1, and the Judgments of the Hon'ble Apex Court and this Tribunal, therefore same is not a valid CTO in the eyes of the law.
29. With reference to paragraph no. E2 of the said application, save and except what are matters of record and save what appears therefrom,

all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Respondent No. 6's operations are affirmed not to have caused pollution of any kind, and it holds all other requisite clearances such as Air and Water Compliance Reports, Clarification letters from the Respondent No. 3, CSIDC Lease Deed Copy and Environment Audit Reports. It is denied that the Applicant's allegations of illegal operation without proper clearances are factually incorrect and unsupported by the documents on record.

30. With reference to paragraph no. F1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the core challenge in the present Original Application is directed against the CTO dated 23rd August 2024 issued by the Respondent No. 3 to the Respondent No. 6. It is denied that this effectively renders the Original Application an appeal against a statutory order issued by the environmental authority. It is denied that even though it is submitted here that the Original Application raises "substantial question related to environment" and that an appellate remedy may not be fully constituted, however a direct challenge to a regulatory approval falls primarily within the appellate jurisdiction of this Hon'ble Tribunal. It is denied that there is no record demonstrating the fact that the Appellant made any effort to appeal before the legally mandated forums within the period of limitation. It is respectfully submitted that the NGT has wide powers under the NGT Act to

adjudicate upon any substantial question relating to the environment, including matters involving non-compliance with environmental laws.

31. With reference to paragraph no. F2 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that by framing this challenge as an Original Application, the Applicant circumvents the established legal process and attempts to bypass potential procedural requirements and limitations applicable to appeals, including strict timelines. The existence of an alternate remedy under other environmental statutes cannot be a ground to refuse consideration of environmental violations that fall squarely within the Tribunal's jurisdiction. Further, the Applicant is not seeking only the quashing of the CTO but to stop the operations of Respondent No. 6 which is operating without the prior EC. This Hon'ble Tribunal only has the jurisdiction to adjudicate this issue.
32. With reference to paragraph no. F3 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that even though the instant application was an appeal in the garb of an Original Application, it is still hopelessly barred by limitation, which as per Section 14(3) of the NGT Act, 2010. Firstly, the violations by Respondent No. 6 is recurring in nature, and arises everyday it continues to operate the Coal Tar Distillation Plant. Secondly, such cause of action qua Applicant

arose only on 09.12.2024, when Respondent No. 5 issued a Terms of Reference to Respondent No. 6 for further increasing the capacity to 65,000 MTPA. This was first made public on 9th December 2024 when the same was uploaded to the Parivesh Portal. This prompted the Appellant to file an RTI application to obtain a copy of the CTO dated 23rd August 2024 disclosing the unlawful expansion which had occurred without prior Environmental Clearance. Hence the OA was filed on 24th March 2025, well within the six-month limitation period prescribed under Section 14(3) of the NGT Act, computed from the date of actual knowledge of the expanded operations and the Hon'ble Tribunal failed to even note such "first knowledge of the appellant".

33. With reference to paragraph no. F4 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the dates in the correspondences makes it apparent that the alleged cause of action according to the Applicant arose earliest by 21st June 2024 for making the instant Original Application which is hence, hopelessly barred by limitation. It is wrong to suggest that the cause of action first arose on 21st June 2024, solely based on a complaint addressed by the Appellant to the respondent authorities on that date. The Hon'ble Tribunal must appreciate the content of the Appellant's letter dated 21st June 2024, which merely raised concerns regarding Respondent No. 6's operation of a coal tar distillation unit without EC and referred to production capacity of Coal Tar at 10,000 MTPA and not the subsequent and independent expansion of said capacity to 36,000

MTPA vide CTO dated 23rd August 2024, without prior EC which formed the subject matter of the OA.

34. With reference to paragraph no. F5 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the judgment of Athippa Chemicals Pvt. Ltd. v. Puducherry Pollution Control Board, O.A No. 30 of 2011, decided on 14th December 2011 Hon'ble Principal Bench of the NGT clearly covers the present issue. It is submitted that the decision in Athippa Chemicals (supra) does not exclude or override the jurisdiction of the NGT under Section 14 of the NGT Act in cases where statutory remedies under individual statutes may be inadequate, ineffective, or procedurally restrictive in addressing multifaceted environmental grievances, as is the case herein.
35. With reference to paragraph no. F6 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is submitted that in the present case challenge is not to the grant of EC but to the continued operations of Respondent No. 6 without Prior EC, which squarely falls within the jurisdiction of this Hon'ble Tribunal Under Section 14 of the NGT Act.
36. With reference to paragraph no. G1 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that it is apparent that the cause of action as

per the Applicant first arose as early as 21st June 2024 and as per Section 14 (3) of the NGT Act, 2010 the period of limitation of six months expires in the month of December 2024. It is denied that keeping in view this chronology, the Original Application 42/2025 being filed on 23rd March 2025 is not maintainable as the same is hopelessly barred by limitation. The submissions made in the aforesaid paragraphs are reiterated and the same is not being reproduced to avoid prolixity.

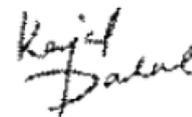
37. With reference to paragraph no. G2 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the present Original Application primarily seeks to quash and set aside the CTO dated 23rd August 2024. The submissions made in the aforesaid paragraphs are reiterated and the same is not being reproduced to avoid prolixity.
38. With reference to paragraph nos. G3 and G4 of the said application, save and except what are matters of record and save what appears therefrom, all other averments and/or allegations contrary thereto are denied and disputed as if the same are set out hereunder and denied in seriatim. It is denied that the Applicant's attempt to characterize the cause of action as a "continuous one" to justify the period of limitation is legally untenable. It is denied that the validity of a CTO, once issued, arises at the point of its issuance, and a challenge to its legality is subject to a specific period of limitation. It is denied that allowing a challenge to a specific administrative order, that too by way of an Original Application instead of an appeal, would undermine the statutory framework for appeals and

encourage bypassing established legal procedures, thereby rendering the provisions of limitation nugatory. The submissions made in the aforesaid paragraphs are reiterated and the same is not being reproduced to avoid prolixity.

39. It is most respectfully submitted that the prayer sought by Respondent No. 6 is wholly misconceived, untenable and deserves outright rejection. The Respondent has failed to make out any ground, either on facts or in law, to warrant dismissal of the Original Application or imposition of exemplary costs.
40. It is submitted that the Respondent's plea of "non-maintainability" is premised on selective disclosure, suppression of material facts, and a mischaracterisation of the Applicant's grievances. The issues raised in the Original Application pertain directly to violations of statutory environmental mandates, lack of due compliance, and continued operation without necessary environmental safeguards, matters which fall squarely within the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the NGT Act, 2010.
41. It is also submitted that the Respondent No. 6's attempt to portray this proceeding as an 'abuse of process' is merely an attempt to deflect scrutiny from its own statutory lapses.
42. In view of the substantial environmental questions involved and the Respondent No. 6's continuing breach of mandatory requirements, it is humbly submitted that the reliefs sought in the Respondent No. 6's prayer should not be granted and the Respondent No. 6's plea for dismissal with costs deserves to be rejected in limine.

Place: NEW DELHI

Date: 21.11.2025

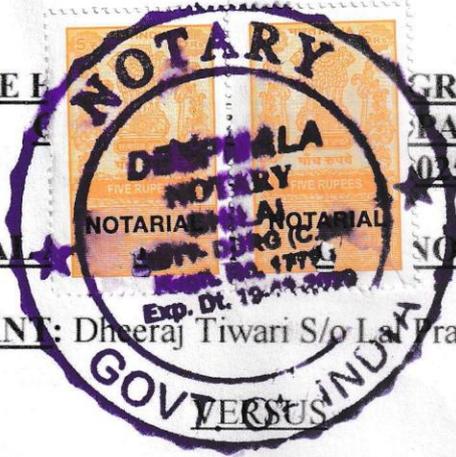


Advocate for the Applicant

BEFORE THE HATHKOJ GREEN TRIBUNAL

ORIGINAL NO. 549 OF 2025

APPLICANT: Dheeraj Tiwari S/o Lal Pratap Tiwari



RESPONDENTS: Ministry of Environment Forest and Climate Change & Ors.

AFFIDAVIT

I, Dheeraj Tiwari, S/o Sh. Lal Pratap Tiwari, aged about 35 years, resident of Hathkoj, Housing Board, Bhilai, Tehsil – Charoda, Zila – Durg, Chhattisgarh do hereby solemnly affirm, and state as follows:

1. That I am the Applicant in the instant Application and am fully conversant with the facts of the case, and competent to swear this affidavit.
2. That the accompanying application has been drafted on my instructions, and I have read and understood its contents.
3. That the contents of the attached application and its annexures are true and correct, based on my knowledge, information, belief.
4. That no part thereof is false and nothing material has been concealed therefrom.
5. That the present affidavit is of the same or subsequent date of the drafting of the application.



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6. That the Annexure(s) attached herewith are true copies of the originals thereof.

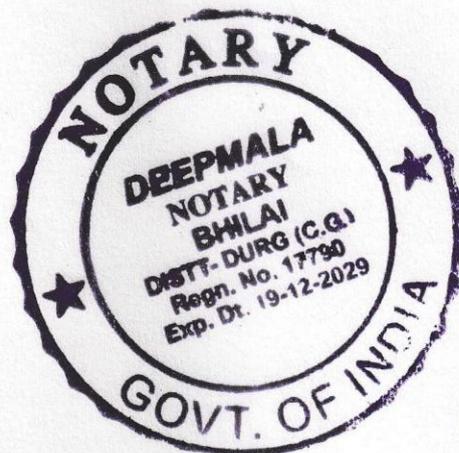
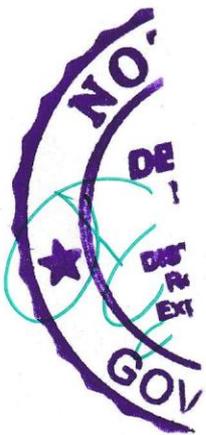
Deepmala
DEPONENT

VERIFICATION

I, the abovenamed Deponent above named, do hereby state on solemn affirmation that the contents of Para Nos. 1 to _____ herein above are true and correct to my own knowledge, and that nothing material has been concealed there from.

Verified at _____ on this _____ day of _____, 2025.

Deepmala
DEPONENT



21/11/2025

Deponent & His Signature
Identify by Witness

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र समक्ष शापथकरी (जिनका नाम / पता, ति का नाम व पता उपरोक्तानुसार है) वेरे समक्ष शापथ लिया जिसे पहचानकर्ता / गवाह ने पहचान लिया जिनके हस्ताक्षर तलंगन दिनांक 21 NOV 2025 को-हस्ताक्षर किया।
दीपमाला
नोदरी बितार्क ३ ति ४४

21 NOV 2025