

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

**I.A. NO. 52 OF 2025
IN
ORIGINAL APPLICATION NO. 1197 OF 2024**

IN THE MATTER OF:

SRI K.S. SATISH

...APPLICANT

VERSUS

**THE COMMISSIONER,
BRUHAT BANGALORE MAHANAGARA
PALIKE & ANR.**

...RESPONDENTS

AND IN THE MATTER OF:

B. RAGHUPATHY

...PROPOSED IMPLERADER

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PLACE: NEW DELHI

DATED: 25.02.2025

ORIGINAL APPLICANT

THROUGH COUNSELS

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REPLY TO THE APPLICATION SEEKING IMPLEADMENT OF IMPLEADER

MOST RESPECTFULLY SHOWETH:

1. That the instant reply is filed by the Original Applicant to the application seeking impleadment of the applicant/impleader (hereinafter referred to as "impleader") in the abovenumbered Original Application.
2. *In limine*, the Original Applicant denies each averment made by the impleader in the instant application except the ones that are a matter of record or are expressly admitted hereunder. That none of the contentions shall be deemed to be admitted on the grounds of *non-traverse*.
3. It is submitted that the Original Applicant, instead of filing a para-wise reply, is replying to the instant application on merits to avoid repetitiveness.

PRELIMINARY OBJECTIONS:

4. That the crux of the issue in the instant application is the proposed impleadment of the impleader, which the impleader seeks, *albeit* without *locus*. That the impleader seeks impleadment in the instant proceedings, on the following grounds:
 - i. That the impleader was the initial complainant, and it is due to the multiple proceedings initiated by the impleader that the show cause notice dated 27.04.2019 came to be issued by the Respondent;
 - ii. The impleader was impleaded by the Hon'ble High Court of Karnataka in Writ Petition subsequently renumbered as OA 1196/2024 before this Hon'ble Tribunal;
 - iii. That the impleader has to put forth facts that allegedly go to the root of the matter;
 - iv. The impleader has a direct and substantial interest in the subject-matter of the instant dispute.
5. That the application filed by the impleader is unmeritorious and deserves to be dismissed for, inter alia, the following reasons:
 - i. *Firstly*, the facts as put forth by the impleader only establish that the impleader for the reasons best known to itself has initiated a witch-hunt against the Applicant herein;
 - ii. *Secondly*, 3 years after the grant of Consent for Establishment, a show cause notice comes to be issued against the Applicant on the ground of the alleged environmental violations on the ground of an alleged inspection, for which no intimation as provided to the Applicant. It is in essence, that issuance of show-cause notice which has been assailed by the Applicant. That the reasons for

issuance of the show-cause notice, intimation made before such inspection (if any), and the alleged environment violations (if any) are all to be addressed by the Respondents and none of those issues pertain to the impleader;

- iii. *Thirdly*, while the impleader may have been the original complainant, once this Hon'ble Tribunal is cognizant of the matter and is adjudicating upon the issues, the impleader has no reasons to seek impleadment;
- iv. *Forthly*, by way of the instant application, the impleader only seeks to widen the horizons of the concerned OA's to a level of absurdity in order to satisfy its vendetta against the Applicant.
6. It is submitted that the brief facts necessary for adjudicating whether the impleader is a necessary or a proper party in the instant proceedings are adumbrated hereinbelow:

DATES	PARTICULARS OF EVENTS
29.01.2010	That the schedule property i.e., property bearing Sy. No. 76/2 bearing Khata No. 3802, situated as Kasavanahalli Village, Varthur Hobli, Bengaluru East Taluk was converted from agricultural to high-tech vide order passed by Special Deputy Commissioner, Bengaluru.
28.05.2010	The schedule property was further converted from high-tech purpose to commercial purpose vide order passed by Commissioner, Bangalore Development Authority.
26.03.2015	A Joint Development Agreement was entered into between the Original Applicant and M/s New Ark (hereinafter referred to as "Developer") for construction in schedule property.

	Thereafter, necessary sanction plan and commencement certificate from BBMP, Bengaluru were obtained.
08.06.2016	Consent for establishment was obtained from Respondent No. 2.
	O.A. No. 595/2018 came to be filed by the impleader before this Hon'ble Tribunal assailing the continuation of the project by the Applicant on the ground that the project was being proceeded with without mandatory requirement of environment clearance, and alleged violation of buffer zone requirements.
21.08.2018	<p>The abovenumbered O.A. filed by impleader came to be disposed of by the Hon'ble Tribunal on the grounds that:</p> <ol style="list-style-type: none"> i. While on the one hand the applicant/impleader mentions lack of valid consent, on the other hand there's a plea that permissions granted is illegal; ii. That no appeal has been preferred against the consent for establishment granted in favour of Applicant; iii. The project is at an advanced stage and the applicant/impleader has not even approached the concerned statutory authorities for over two years
13.11.2018	That assailing the order dated 21.08.2018, the impleader approached the Hon'ble Supreme Court in C.A. No. 10661/2018 wherein the Hon'ble Court granted liberty to the impleader to file a Review before this Hon'ble Tribunal.

	That post the dismissal of the Civil Appeal, the impleader filed a review petition No. 52/2018 in OA 595/2018.
14.03.2019	This Hon'ble Tribunal vide its order sought an expert committee report.
27.04.2019	Show-cause notice was issued to the Applicant by Respondent No. 1 on the basis of an alleged inspection for which no notice was served on the Applicant.
25.07.2019	That the Respondent No. 1 issued a show-cause notice cum stop work notice to the Developer.
	Assailing the show-cause notice dated 25.07.2019, the Applicant approached the Hon'ble Karnataka High Court in Writ Petition No. 46518/2019.
29.11.2019	That the concerned Writ Petition alongwith other Writ Petitions came to be transferred as TP(C.) 67-69/2019 by the Hon'ble Supreme Court vide its order.
09.08.2024	The Hon'ble Supreme Court remanded the matter back to this Hon'ble Tribunal.

OBJECTIONS ON MERITS:

7. It is submitted that the role of the impleader in the subject-matter of the instant dispute is limited to that of the original complainant who assailed the development of the suit schedule property. That besides the same, the impleader neither has any interest in the subject-matter of the dispute nor any private rights that are to be affected for which the impleader seeks to be impleaded in the case.
8. That as a settled principle of law, the Plaintiff/Applicant herein, being the *dominus litus* is entitled to determine against whom the right to sue accrues. That while the Courts are bestowed with the power to implead any person as a party, such impleadment ought to fall within the

jurisprudential contours of necessary or proper party. It is further not *res integra* that the principle of “entitlement to defend” is an indispensable ingredient of being a necessary party. That unless, the impleader is able to satisfy to Court qua the necessity for impleadment, no order for impleadment of such party ought to be passed. That the Applicant seeks to place reliance upon ***Poonam Vs State of UP & Ors. MANU/SC/1240/2015*** of the Hon’ble Supreme Court.

9. It is submitted that the order passed by the Hon’ble Karnataka High Court on IA No. 1/2019, on the basis of which the impleader seeks the instant impleadment fails to provide any reasons for considering the impleader either a necessary or a proper party.
10. That while the impleader may have been the original complainant who raised the issue before this Hon’ble Tribunal, the impleader lacks any entitlement to defend, right to sue, or any specific knowledge that renders such impleadment necessary for effective adjudication of the dispute in the instant case. That the I.A. filed by the impleader fails to afford any reasons as to why the impleader ought to either be considered a necessary or a proper party.
11. That the Applicant seeks leave of this Hon’ble Tribunal to raise additional grounds at the time of hearing of the instant application.

PRAYER

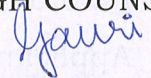
In light of the abovementioned facts and circumstances, it is most humbly prayed that this Hon’ble Tribunal may be pleased to:

- i. Dismiss the I.A. filed by the impleader;

ii. Pass any other similar order(s) that this Hon'ble Tribunal deems fit in the interests of justice.

PLACE: NEW DELHI
DATED: 25.02.2025

ORIGINAL APPLICANT
THROUGH COUNSELS



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Original Application No. 1197/2024

IN THE MATTER OF:
SH. K.S. SATISH

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VERSUS

COMMISSIONER,
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...RESPONDENTS

AFFIDAVIT

I, K.S. Satish, S/o Late K. Srinivasa Reddy aged major, R/o No. 45, Kasavanhalli, Bangalore, Karnataka do hereby solemnly affirm and state as under:

1. I say that I am the applicant in the abovenumbered OA and I am well acquainted with the facts and circumstances of the case and thus competent to depose this Affidavit.
2. I say that the contents of the accompanying reply are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom. That the legal submissions are based on advice and believed to be true.


DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of the accompanying Affidavit are true and correct to the best of my knowledge and belief.


DEPONENT

Verified on this 12 day of February, 2025.



12 FEB 2025

SWORN TO BEFORE ME

S. ESWARA REDDY, B.A., LL.B.
ADVOCATE & NOTARY
GOVT. OF INDIA
Reg. No. 22441
34, Hullurappa Building,
New Police Station Road, 3rd Cross,
K.R.Puram, BENGALURU-560036

NO. OF CORRECTIONS.....no



9

Office Saket <office.saket@lawttitude.com>

Service of reply to IA No. 52/2025 in OA/1197/2024 & reply to IA 53/2025 in OA/1195/2024

1 message

Office Saket <office.saket@lawttitude.com>
To: litigation@dclawchambers.com

26 February 2025 at 10:44

Sir,

Kindly find enclosed hereinbelow, the reply to the IA seeking impleadment filed in the abovenumbered OAs.

Kindly acknowledge receipt.

Regards,
Saket Gogia
Counsel for Original Applicant

2 attachments **Reply to IA in OA 1195 of 24.pdf**
8139K **Reply to IA in OA 1197 of 24.pdf**
9133K