

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

I.A. NO. 646 OF 2023

IN

ORIGINAL APPLICATION NO. 879 OF 2022

IN THE MATTER OF:

GAURI MAULEKHI

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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FILED BY:

DELHI

DATED: 05.08.2023



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**REPLY BY THE APPLICANT TO THE APPLICATION FILED BY
RESPONDENT NO. 1.**

1. The Applicant has approached this Hon'ble Tribunal vide the above-captioned Application seeking the inclusion of slaughterhouses and meat, poultry and fish processing units in India, within the ambit of the Environmental Impact Assessment Notification, 2006 [EIA Notification] and subjecting them to the process of granting an Environmental Clearance [EC] before starting operations, as they are highly polluting projects/ activities and have been classified as a red category industry. The contents of the Original Application may be read as part of this Reply and are not being repeated herein for the sake of brevity.
2. The contents of the Application filed by the Respondent No.1 i.e. Ministry of Environment, Forest and Climate Change, to the extent they are

inconsistent with the submissions hereinafter made in this Reply, are incorrect and are denied.

PRELIMINARY OBJECTIONS/ SUBMISSIONS:

3. That before replying to the specific averments and contentions of the Respondent No.1 made in the Application, the Applicant prays leave of this Hon'ble Tribunal to submit certain preliminary objections/ submissions which are necessary for the just adjudication and disposal of the present application:
 - A. It is a matter of record that vide Order dated 03.05.2023, this Hon'ble Tribunal had been pleased to direct the Respondent No.1 to take a decision regarding the inclusion of slaughterhouses under the ambit of the EIA Notification, while considering the recommendations of the Expert Committee constituted by the Respondent No.1 itself as reflected in Minutes dated 02.05.2017. The Respondent No.1, while finalizing such decision, had been directed to consider the viewpoint of all interested stakeholders within 2 weeks. The Hon'ble Tribunal had further directed that if no decision is taken within 2 months by Respondent No.1, then all large slaughterhouses would automatically be required to undergo EC from 01.08.2023. It had been further been directed that no new large slaughterhouses would be permitted to be established/ expanded without EIA as per procedure applicable to B category projects in terms of the EIA Notification.
 - B. That the Respondent No.1 has moved the present Application seeking extension of 6 months to finalize the decision, as the matter is stated to be under examination by the concerned sectoral Expert Appraisal Committee along with the representations received from the concerned stakeholders.

It has been submitted by the Respondent No.1 that more time is required to thoroughly examine the issues involved, as raised in the representations and also to consult with subject domain experts.

- A. The Application was taken up by this Hon'ble Tribunal on mentioning by the Respondent No.1 on 01.08.2023, whereby the Hon'ble Tribunal was pleased to stay the direction qua applicability of EC on large slaughterhouses till 09.08.2023 and list the matter for arguments.
- B. A bare perusal of the Application discloses that it has been moved at the fag-end of the period granted to the Respondent No.1 to take an appropriate decision, as a last resort. Further, the Respondent No.1 has not been able to indicate any steps/ action taken to showcase that diligent efforts had been made by the Respondent No.1 in a timebound manner to comply with the directions issued vide Order dated 03.05.2023 and finalize a decision within 2 months. No documents have been annexed to prove that the Respondent No.1 took timebound steps in compliance of Order dated 03.05.2023 to examine the representations received from stakeholders.
- C. That the Respondent No.1 has been sitting on the issue of inclusion of slaughterhouses under the ambit of the EIA notification right from the year 2015. Vide Minutes of the Meetings of the Expert Committee dated 15.09.2015, 24.02.2016, 16.05.2016, 23.06.2016 and 02.05.2017, it had been specifically recommended that the EIA Notification, 2006 be amended and that all slaughterhouses as well as processing units need to obtain prior environmental clearance under the EIA Notification. The said meetings were attended by senior officials of the Respondent No.1, who can be safely called subject domain experts, and they duly applied their mind, deliberated and recommended the inclusion of slaughterhouses and processing units under the EIA Notification.

- D. The Respondent No.1 is now making empty submissions to justify the delay in complying with the directions of this Hon'ble Tribunal, in the absence of any bonafide and diligent steps taken by them. The Respondent No.1 under the guise of the present Application, is attempting to challenge the Order dated 03.05.2023 and obtain permissive directions to prolong and delay the inclusion of large slaughterhouses under the EIA Notification.
- E. The Respondent No.1, vide the present malafide application, is further attempting to avoid the liability of ensuring that new large slaughterhouses undergo the EIA procedure applicable to B category projects, for reasons best known to itself. The Respondent No.1 has been sitting on its hands and ought to have approached this Hon'ble Tribunal at the first blush. It is submitted that the Respondent No.1 does not merit any further extension or leeway, let alone an extended period of 6 months, and large slaughterhouses must undergo EC as directed vide Order dated 03.05.2023.
- F. Any such prayed for extension, if granted, would tantamount to review of Order dated 03.05.2023 and lead to aggravated pollution, cause irreparable damage, loss and injury to the environment as large slaughterhouses deal with 200 large animals/ more than 1000 small animals per day. Any such grant of relief would be counterproductive and against the Precautionary Principle and the principle of Sustainable development, which are the guiding principles for the Hon'ble Tribunal while passing orders/decisions/awards according to Section 20 of the NGT Act.
- G. By way of the instant application, the Applicant is only seeking to derail and prolong the implementation of the direction issued vide Order dated 03.05.2023 qua applicability of EC on large slaughterhouses and therefore, the present application ought to be rejected at the outset.

PARA-WISE REPLY

- 1-5. The contents of the Paras 1-5 under reply are a matter of record and need no reply.
6. The contents of the Para 6 under reply are a matter of record and are not denied. However, the Respondent No.1 has failed to indicate when the matter had been forwarded to the concerned sectoral EAC for examination and if diligent efforts had been made by the Respondent No.1 in a timebound manner to comply with the directions issued vide Order dated 03.05.2023 and finalize a decision within 2 months. No documents have been annexed to prove that the Respondent No.1 took timebound steps in compliance of Order dated 03.05.2023 to examine the representations received from stakeholders. The contents of the preliminary objections/submissions are reiterated and reaffirmed.
7. The contents of the Para 7 under reply are a matter of record and need no reply.
8. The contents of the Para 8 under reply are a matter of record and are not denied. However, the requisite efforts had to made by the Respondent No.1 in a timebound manner to comply with the directions issued vide Order dated 03.05.2023 and finalize a decision within 2 months. The Respondent No.1 does not merit any further extension or leeway, let alone an extended period of 6 months. The contents of the preliminary objections/submissions are reiterated and reaffirmed.
8. The contents of Para 9 under reply/ Prayer clause are denied. The Respondent No.1 does not merit any further extension or leeway, let alone an extended period of 6 months. In light of the aforesaid Submissions, it is

prayed that the Application preferred by the Respondent No.1 be summarily dismissed. The contents of the preliminary objections/submissions are reiterated and reaffirmed.

FILED BY:

DELHI
DATED:05.08.2023



Esha Dutta, Advocate
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AFFIDAVIT

I, Gauri Maulekhi, W/o Shri Dushyant Maulekhi, aged about 46 years, R/o Plot no. 26, D.D.A, Gulmohar Enclave, Opp. Gate No. 3, New Delhi – 110049 [Presently in New Delhi], do hereby solemnly affirm and state as under:

1. I am the Applicant in the Original Application and I am conversant with the facts of the case and am competent to affirm the present affidavit in support of the accompanying Reply to the application filed by Respondent No. 1.
2. That I have read and understood the contents of the accompanying Reply to the application filed by Respondent No. 1 which have been drafted upon my directions and the same are true and correct based on official records.

VERIFICATION:



DEPONENT

Identified
Est. D. S.

Verified at Delhi on this ____ day of August 2023 that the contents of this affidavit which are true and correct based on official records. No part of it is false and nothing material has been concealed therefrom.

Identified
[Signature]
D/2467/2013

DEPONENT

[Signature]



ATTESTED

[Signature]
NOTARY PUBLIC
DELHI (INDIA)

- 5 AUG 2023



Esha Dutta <eshadutta7@gmail.com>

Service of IA in OA 879/2022 titled as Gauri Maulekhi Vs UOI

Esha Dutta <eshadutta7@gmail.com>

Sat, Aug 5, 2023 at 3:17 PM

To: Pratyaksh Gupta <lawquery89_1@hotmail.com>

Cc: Gauri Maulekhi <gaurimaulekhi@gmail.com>

Dear Sir,

Please find attached the Reply being filed by the Original Applicant before the Hon'ble National Green Tribunal to the Application [I.A. No. 646/2023 in OA No. 879/2022] filed by you for extension of time.

This is for your kind information and necessary action and constitutes service.

Thanking you,

Yours faithfully,

Esha Dutta

Advocate

[Quoted text hidden]

 **Final Reply 05.08.2023.pdf**
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