

**BEFORE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 123 OF 2024**

**IN THE MATTER OF:**

SUDESH KUMAR

..... APPLICANT

**VERSUS**

STATE OF HARYANA & ORS.

..... RESPONDENTS

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**FILED BY:-**



**(GAURAV JAIN)**

Advocate for the Applicant

Office:- B-14, 3<sup>RD</sup> Floor, Defence Colony, New Delhi-110024

M. No. +91 9891421096

Email ID:-gauravjain1824@gmail.com

**Enroll No. P/2887/2007**

Place : New Delhi

Date : 31.10.2025

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**[REPLY ON BEHALF OF THE APPLICANT TO THE PURPORTED  
ADDITIONAL REPLY AND LATEST STATUS REPORT FILED BY  
RESPONDENT NOS. 3 AND 7]**

**MOST RESPECTFULLY SHOWETH:**

1. That the present reply is being filed in response to the query raised by this Hon'ble Tribunal during the hearing on 23.09.2025, wherein the Tribunal sought clarification on the specific provisions of law, rules or judicial precedents prohibiting the filing of additional replies or status reports by the Respondents after the completion of pleadings, hearing of arguments and reservation of orders. This reply opposes the purported Additional Reply and Latest Status Report filed by Respondent Nos. 3 and 7, which is impermissible, procedurally defective and liable to be rejected at the threshold as it contravenes Rule 16 of the National Green Tribunal (Practice and Procedure) Rules, 2011 ("NGT Rules, 2011"), principles of natural justice and established judicial precedents. The impugned filing is incurably defective because:

- It is neither verified in accordance with Order VI Rule 15 of the Code of Civil Procedure, 1908 ("CPC"), as mandated by Rule 16(3) of the NGT Rules, 2011.
- It is not accompanied by a mandatory affidavit, rendering it invalid as a pleading.

The Hon'ble Supreme Court in *A.K.K. Nambiar v. Union of India*, AIR 1970 SC 652, held that unverified pleadings cannot be relied upon or taken on record. Similarly, in *Smt. Savithramma v. Cecil Naronha*, (1987) 4 SCC 481, the Apex Court underscored that proper verification and affidavit are essential prerequisites for the validity of pleadings, without which they are liable to be struck off.

2. That the Respondents have not sought leave from this Hon'ble Tribunal to file the Additional Reply and Latest Status Report, in violation of Rule 16(6) of the NGT Rules, 2011, which prohibits further pleadings after completion except with the Tribunal's permission. No such leave was granted and the filing was not solicited by the Tribunal, making it procedurally barred and liable to be expunged. Relevant Provisions under Rule 16 of the NGT Rules, 2011:

- Rule 16(1): Replies must be filed within one month from service of notice.
- Rule 16(2): The Tribunal may extend this period by up to one further month.
- Rule 16(3): All replies must be verified and supported by affidavit per Order VI Rule 15 CPC.

- Rule 16(6): After completion of pleadings, no further pleadings shall be entertained without the Tribunal's leave.

Thus, the outer limit for filing replies is 60 days from service, and there is no provision allowing additional replies post-hearing and reservation of judgment. The Hon'ble Supreme Court in *Union of India v. Ibrahim Uddin, (2012) 8 SCC 148*, ruled that once pleadings are complete, parties cannot supplement them without court permission and belated filings must be rejected to prevent prejudice and delay. In the instant case, Respondent No. 3, having failed to file any reply during the pleading stage, cannot now circumvent the process through a "Latest Status Report." This is an attempt to vitiate established procedure.

3. That it is a settled legal principle that once pleadings are completed, evidence led (if any), and arguments concluded, no party can alter, improve or supplement its case through additional pleadings, including status reports. This prohibition stems from:

- Section 19 of the National Green Tribunal Act, 2010 ("NGT Act"), which empowers the Tribunal to regulate its procedure guided by principles of natural justice ensuring finality and preventing indefinite filings.
- Order XVIII Rule 3 CPC (applicable by analogy under Section 19 of the NGT Act), which closes the right to lead evidence or file documents after arguments begin, extending to pleadings.
- Judicial precedents: In *Udhav Singh v. Madhav Rao Scindia, (1976) 2 SCC 1*, the Supreme Court held that pleadings narrow issues, and parties are bound thereby; subsequent changes cause prejudice. In *Modi Spg. & Wvg. Mills Co. Ltd. v. Ladha Ram &*

*Co., AIR 1977 SC 680*, it was reiterated that new grounds cannot be introduced post-pleadings. Further, in *Kailash v. Nanhku, (2005) 4 SCC 480*, the Apex Court warned that belated pleadings undermine expeditious disposal and should be disallowed after the prescribed stage.

4. That the impugned filing attempts to shift the Respondents' earlier stand, constituting an afterthought and approbation/reprobation, deprecated by the Supreme Court in *Rajasthan State Industrial Development & Investment Corporation v. Diamond & Gem Development Corporation, (2013) 5 SCC 470* allowing it would reopen proceedings, contrary to judicial finality.
5. That permitting the Additional Reply and Latest Status Report post-reservation of judgment (delayed solely due to the retirement of a bench member) would violate principles of finality and propriety, as held in *Union of India v. Kamlakshi Finance Corp. Ltd., 1992 Supp (1) SCC 443*, emphasizing that parties cannot file materials indefinitely after closure. In *K.K. Velusamy v. N. Palanisamy, (2011) 11 SCC 275* (interpreting Order XVIII Rule 17 CPC), the Court clarified that additional material post-arguments are permissible only in exceptional circumstances, not as a right. NGT Benches have consistently rejected such belated filings, treating them as non-maintainable to uphold expeditious justice under Section 18 of the NGT Act.
6. That the Respondents' filing is mala fide, aimed at delaying proceedings and misleading the Tribunal. Key facts highlighting this include:
  - A. The establishment of a dumping yard disguised as a processing unit by the Municipal Corporation, Faridabad (MCF) without authorization/ Consent to Establish &

consent to operate from the Haryana State Pollution Control Board (HSPCB), as admitted in MCF's Memo No. MCF/EE(SWM)/2025/89 dated 18.03.2025 to the Deputy Commissioner, Faridabad inter-alia admitting that the site at Village Pratapgarh is located near the residential areas of Sector 56, Sector 56-A, Sector-55, Samaypur and Gaunchi. In fact the site in question is in close proximate to thickly populated residential adjoining sectors and the villages having a population of around 3 lacs.

- B. That the Respondent No. 7 has been operating the said plant without obtaining the mandatory sanction and prior authorization from the competent authorities consent to establish & operate, in blatant violation of the provisions of the Environmental (Protection) Act, 1986 and allied rules, for the past 1.5 years that too at a Site where Sewerage Treatment Plant (STP) of the capacity of 100 MLD is already existing and operating. That as per the Joint Committee Report dated 27.03.2024, 50 MLD Sewage Treatment was existing at the time of transfer of Land which has now been upgraded to 100 MLD. Report, however, do not clarify whether the MCF got necessary approval/ consent to operate from HSPCB. As per the latest classification enclosed by HSPCB to the status report of dated 22.09.2025, Sewerage Treatment Plant having capacity of 100 KLD or more fall in the Red Category (means high risk/ most polluting industry) and setting up of a Landfill/ Garbage Processing/segregation unit at the same site that too by removing/cutting the existing thick forest cover/trees of

rare species, carries high risk of exceeding the permissible effluent discharge levels thereby endangering environment having cascading impacts that destabilise ecosystems, leading to a loss of biodiversity, impaired ecosystem services like water and air purification, and the potential for ecosystem collapse. The *Leachate*, which is a black liquid oozing out from the waste slowly decomposes over a period of time, contaminates soil and groundwater. In fact this has already caused severe nuisance, negatively affected human health by causing a wide range of problems, including respiratory diseases (like asthma and COPD), cardiovascular diseases (such as heart attacks and strokes) and various cancers (including lung cancers). Besides it has lead to neurological damage affecting cognitive functions and has created havoc among the local residents, adversely affecting their fundamental rights to a clean and healthy environment. It is pertinent to submit that only after the filing of the present Original Application, the Respondent No. 7 hurriedly made a representation to the competent authority, yet no valid consent, clearance or authorization has been placed on record before this Hon'ble Tribunal. Such conduct clearly reveals a deliberate modus operandi adopted by the Respondent No. 7 to flout environmental laws by abuse of their authority and then somehow manage to regularize illegal activities post-facto. It is pertinent to submit that only after the filing of the present Original Application, the Respondent No. 7 hurriedly made a representation to the competent authority, yet no valid consent, clearance or authorization has been placed on record before this Hon'ble

Tribunal. Such conduct clearly reveals a deliberate modus operandi adopted by the Respondent No. 7 to flout environmental laws and regularize illegal activities post-facto. It is therefore imperative that accountability be fixed upon the erring officers and punitive action shall be initiated against the officials who allowed such illegal operations to continue unchecked putting the life of large mass of people which includes small children into danger.

- C. That as per para 3 of Status Report dated 20.09.2025, submitted by the Regional Office Ballabgarh HSPCB, it is stated that the check list prescribed by the Board for grant of Authorisation under SWM Rules 2016 are pre-requisite permissions.
- D. In its prior reply dated 08.07.2024, MCF admitted lacking HSPCB authorisation, citing alibis portal issues and a manual letter dated 15.05.2024 submitted to the HSPCB—insufficient to cure the violations.
- E. This has caused environmental damage, health hazards, disease outbreaks and property devaluation in and around adjoining areas, as detailed in prior rejoinders. The Hon'ble Supreme Court in *Vanashakti v. Union of India (2023)* invalidated ex post facto clearances, mandating prior compliance. The Respondents' belated documents post-04.05.2025 reservation prejudice the Applicant and perpetuate injustice.

- F. The distinction between "dumping yard" and "processing unit" is illusory, as processing involves waste accumulation (28+ days), making it an unauthorised dump.
- G. As per the Joint Committee Report, the MCF was to obtain prior authorization from HSPCB before starting any process of establishment operation on the said site with further directions to start a leachate treatment plant before starting operation of the said facility. As also it was directed to ensure compliance of bufferzone with green belt around the treatment facility.
- H. That instead of complying with the above said directions i.e. getting prior approvals/ clearances from various Departments and other stipulations like starting a leachate treatment plant, creating a bufferzone as also the green belt, the MCF started daily transport of unsegregated waste in 15–20 uncovered trucks causes spillage, odour and litter, thereby playing with the Public health and ignoring residents protests. It is pertinent to mention here that setting up of a Dumping/ garbage processing unit at a place requires advance planning and has to be at a place Notified by the State Govt. as part of Master Plan. However, the MCF committed rampant violations some of which are noted hereunder:-
- i. Violation of Solid Waste Management Rules, 2016 ("SWM Rules"): No buffer zone (Rule 11(1)), removing already existing green belt around the Sewerage Treatment Plant by tree felling which was without prior

clearance & setting up at that very place, garbage dumping & processing unit for Municipal legacy waste, nominal penalty (Rs. 46,000) by Forest Department.

- ii. That Rule 11 of the SWM Rules mandates the Urban Development Secretary to ensure facilities in master plans, land allocation, capacity building and buffer zones—none complied with here.
- iii. That Rule 12(a) requires the District Magistrate/Deputy Commissioner to facilitate land allocation; absence since 2016 notification, renders the unit illegal.
- iv. That Rule 15(y) obligates local bodies like MCF to apply for authorisation in Form I before operations exceeding 5 TPD; Rule 16 mandates HSPCB enforcement and consultations—none done, despite two years of operation near an IAF station (<5 km).
- v. It is admitted that no such statutory consents, approvals, or inter-departmental consultations have been undertaken to date, despite continuous operation of the illegal dumping/processing facility for more than two years. **Notably, the Indian Air Force Logistic Station, Faridabad lies within an aerial distance of less than 5 kilometers, making the site highly sensitive from an aviation safety perspective.**
- vi. That Rule 19 prescribes state notification of land, CPCB-compliant design, and prior authorisation—bypassed entirely.

7. That the Respondents' post-reservation filing is impermissible; subsequent reclassifications (e.g., "Blue" category) do not retrospectively validate prior violations. The Tribunal should not condone wrongs in the interest of Natural Justice and the further following facts:-
- a. The MCF in their reply dated 08.07.2024, related to the direction of the Joint Committee for setting up of a Leachate Treatment Plant, has stated vide Para 2 that MCF has planned to employ the method of recirculation of leachate on windrows, citing reasons that this will aid in the leachate evaporation process and support the maturation of windrows as fresh waste will be processed at the site, the quantity of leachate generated will be minimal and manageable through the recirculation process.
  - b. That the unauthorized methodology adopted for waste management by the MCF has resulted in very serious health problems and an unpleasant living environment due to disposal of the waste which include industrial waste, in an improper and unsafe manner resulting in the percolation of leachette in the earth itself. The site where STP of 100 MLD is already existing, provides breeding ground for insect-vectors, pests, snakes and vermin that increase the risk of disease transmission. It has seriously polluted water sources and the environment, as the Project Proponent has been bringing mixed unsorted garbage including the wet garbage and the Industrial waste in which they mix chemical/ acid giving pungent unpleasant and unbearable smell in the thickly populated area. Further that the Leachate is being directly discharged in the Sewer Line of the STP thereby contaminating the underground water thereby damaging the environment.

- c. That in the said reply dated 08.07.2024, the MCF has also stated that the unit developed is a temporary municipal solid waste processing facility at Partapgarh thereby meaning that it has been set up in haste without any previous advance planning when there was resistance by Public to set up such Processing units at other thickly populated residential areas of Faridabad in the context of failure of the MCF to maintain environment norms for handling and disposing municipal legacy solid waste to the prejudice of environment and Public health and also adjoining forest areas in the context of Poonam Yadav vs. M/s Ecogreen Energy Pvt. Ltd. case.

**PRAYER**

In view of the aforesaid, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Reject and expunge the Additional Reply and Latest Status Report filed by Respondent Nos. 3 and 7 as non-maintainable;
- b) Proceed on existing pleadings and arguments;
- c) Pass such other orders as deemed fit in the interest of Natural Justice.

**FILED BY:-**



**[GAURAV JAIN]**

ADVOCATE FOR THE APPLICANT

Place: New Delhi

Dated:-31.10.2025

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AFFIDAVIT

I, Sudesh Kumar S/o Sh. Bijender Singh R/o village Pratapgarh, Mauja Gaunchii, Faridabad Pin-121004 Haryana do solemnly affirm and state as under:

1. That I am the applicant in Original Application No. 123 of 2024.
2. That the contents of accompanying reply may kindly be read as part and parcel of this Affidavit as the same is not repeating for sake of brevity.
3. That I further say that the contents of the accompanying reply and present affidavit has been drafted by my counsel and the same has been read over and explained to me and the same are true and correct to my knowledge.



*Sudesh Kumar*  
DEPONENT

VERIFICATION

Verified at Faridabad on 28<sup>th</sup> day of October 2025 the contents of this affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

I know the identified the sign. of Deponents Executant & His/Her their sign Thumb impression

*[Signature]*  
Attested as Identified  
NOTARY PUBLIC  
Faridabad (Haryana)

*Sudesh Kumar*  
DEPONENT

820  
Register No. ...  
29/10/2025 9 OCT 2025

**growyadavakash** <growyadavakash.in@zohomail.in >

Thu, 30 Oct 2025 8:40:13 PM +0530

To "lokeshsinhalassoc" <lokeshsinhalassoc@gmail.com>,"rkhuranalegal" <rkhuranalegal@gmail.com>,"advocatesaurabhrajpal" <advocatesaurabhrajpal@gmail.com>

Cc "gauravjain1824" <gauravjain1824@gmail.com>

Dear Sir/Ma'am,

Kindly find attached the pdf copy of the reply to be filed by the applicant in the captioned matter.

**For GAURAV JAIN[Advocate-on-Record]**

Regards by

AKASH YADAV  
[COURT CLERK]

Sent using [Zoho Mail](#)

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**1 Attachment(s)**

Final Reply Sudesh Kumar.pdf  
816.8 KB