

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 227 OF 2025**

IN THE MATTER OF:

Naveen Solanki and Anr.

Applicants

Versus

Rail Land Development Authority and Ors

Respondents

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ADV. ANUJ BHANDARI

On behalf of Central Pollution Control Board

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Place: Delhi

Date: 09.07.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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REPLY ON BEHALF OF RESPONDENT NO. 5 I.E.
CENTRAL POLLUTION CONTROL BOARD (herein after
referred as CPCB)

1. That this Hon'ble NGT vide its order dated 08.05.2025 has sought the reply from the answering respondent CPCB. Accordingly, the reply is made in succeeding paragraphs.



That at the outset, the answering respondent deny all claims/contentions/allegations and averments made against answering respondent CPCB in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.

3. That, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.

4. That, the issue raised by the Applicant in the Original Application (hereinafter referred to as "OA") is illegal and large-scale deforestation, allegedly being carried out on land classified as "deemed forest" by the Forest Department in Bijwasan, Delhi, for the purpose of redeveloping the Bijwasan Railway Station. The present Application has been allegedly filed for preventing/stopping the illegal deforestation of more than 13,000 trees spread over roughly 95 acres of land ('disputed land') located in South-West of Delhi, within Planning Zone (Division) 'K-II' of the National Capital Territory ("NCT") as per the Delhi Development Authority, which is currently being used for the redevelopment of the Bijwasan Railway Station ('the project') under the supervision of Rail Land Development Authority(RLDA)/Respondent No. 1 and to declare the disputed land as a "forest" under the Forest Conservation Act, 1980 (now, The Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980) ('VSESA 1980').



Parawise Reply:-

5. That, no comments are offered by the answering respondent herein over the averments made in Para nos. 1 to 3 of OA being introductory in nature.
6. That, no comments are offered by the answering respondent herein over the averments made in Para nos.4 to 9 of the OA being the introductory details of each of the respondents.
7. That, in the averments made in Para no. 10, the applicant has asserted that the instant application has been filed to prevent/stop illegal deforestation of more than 13000 trees spread over roughly 95 acres land. The same are adjudicable by the Hon'ble Tribunal and need no comments from this Answering Respondent.
8. That, the averments made in Para nos. 11 to 19 are regarding brief facts of the disputed 95-acre land under litigation which is allegedly near to Sector-21 Metro, IGI Airport, and key railway stations on the Delhi-Rewari section. The 95-acre disputed land is also alleged to be part of a 125-acre forest area within a 272-acre project area. It is stated by the applicant that the land is a dense forest housing thousands of trees, 65 bird species, antelopes, wild animals, and reptiles, including scheduled species. Further, it is alleged that Urbanization in Delhi since the 1970s has drastically reduced forests, farmlands, and waterbodies. It is also stated that GNCTD filed a Counter Affidavit before the Hon'ble Supreme Court in Civil Appeal No. 10656/2024 categorically recognizing the total forest area as "Deemed



Forest. In this context, it is humbly submitted that the Delhi Preservation of Trees Act, 1994 and the Delhi Preservation of Trees Rules, 1996 are in force in Delhi for the protection and management of trees. Under Section 7 of the Delhi Preservation of Trees Act, 1994, the Tree Authority is responsible for the preservation, census, planting, maintenance, and protection of trees, as well as reviewing development proposals and implementing government-directed greening measures.

9. That the averments made in Paragraph No. 20 related to construction dust and its contribution to air pollution in Delhi. That, in context of pollution from construction activity, it is humbly submitted that pollution arising from construction activities is regulated under the Construction and Demolition Waste Management Rules, 2016 (hereinafter referred to as the C&D WM Rules, 2016), which were notified by the Ministry of Environment, Forest and Climate Change on 29th March 2016.



Further, in pursuance of Rule 10, sub-rule 1(a) of the C&D WM Rules, 2016, the Central Pollution Control Board (CPCB) has prepared and published the guideline titled "Environmental Management of C&D Wastes" in March 2017. A copy of the said guidelines is available on the CPCB website at the following link: <https://epcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTUyXzE1MTEyNjQwMTVfbWVkaWFwaG90bzQ2OTAucGRm>

Additionally, CPCB has also prepared “Guidelines on Dust Mitigation Measures in Handling Construction Material and C&D Wastes,” which provide specific measures for controlling dust pollution at construction sites. These guidelines are also available on the CPCB website at the following web link:
<https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTYxXzE1MTE5MzMzNzJfbWVkaWFwaG90bzEyNjcxLnBkZg==>

10. That, the averments made in Para nos. 21 to 35 are regarding relevant laws like Forest Conservation Act 1980, Delhi Preservation of Trees Act 1944, Orders of Hon'ble court, criteria of deemed forest, Railways Act 1989, National Environment policy, Environment protection Act 1986 and EIA notification 2006, Clarification of MoEF&CC regarding exemption from prior EC, Clarification on applicability of the Forest (Conservation) Act, 1980 on Railways land, Forest (Conservation) Amendment Act, 2023, writ petition in supreme court challenging Forest (Conservation) Amendment Act, 2023, Hon'ble Supreme court order dated 19.02.2024 for requirement of center empowered committee for felling of more than 50 trees. The same are matter of records and need no comments from this Answering Respondent.



11. That, the averments made in Para nos. 36 to 51 are regarding development/History of subject project and various tree cutting applications made by concerned respondents for cutting / felling of trees. In this context, it is humbly

submitted that matters relating to tree cutting are dealt by Department of Forest and Wildlife, GNCT of Delhi.

12. That the averments made in Paras 52 to 65 related to alleged environmental violations including illegal deforestation, construction activities, and operation of a Ready-Mix Concrete (RMC) plant by Kamaladitya Construction Pvt. Ltd. (KCPL) at the Bijwasan Railway Station redevelopment site. In this context, it is humbly submitted that, as per applicable environmental laws, including the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, prior Consent to Establish (CTE) and Consent to Operate (CTO) from the respective State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) is required for operation of Ready Mix Concrete Plant.

13. That, the averments made in Para nos. 66 to 75 are regarding litigation vis-a vis the RFP Parcel land and the total forest land as adjudicated by Hon'ble Tribunal in OA 697/2023 and appeal against the order passed by Hon'ble Tribunal pending before Hon'ble Supreme Court vide CA No. 10656/2024. The same are not related to this answering respondent, thereby, no comments are offered over them from this Answering Respondent. However, the response of concerned respondents in this regard may be considered for adjudication.

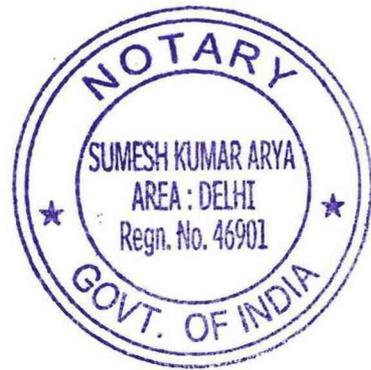


14. That, the averments made in Para No. IV (i. to ii.), V (1 to 7) and IV (A to MM) (*after Para No. V, (Para No. IV again appears in OA)*) states about specific law violated, substantial questions of environment raised in the matter and Grounds for filing application before Hon'ble Tribunal. It is humbly submitted that, the submissions made by the answering respondent herein in the preceding paragraphs are re-iterated and are not repeated for the sake of brevity.

15. That, the averments made in Para nos. V (after Para No. IV (A to MM), (*Para No. V again appears in OA*)) and VI are regarding Limitation and Declaration regarding pendency of other cases. The same are matter of records and need no comments from this Answering Respondent.

16. That, the averments made in Para nos. VIII and VIII (*after Para No. VI, Para No. VIII appears twice in the OA*) are regarding interim relief and relief sought in the matter. In context of monitoring of Air quality near the area under reference, it is humbly submitted that, the nearest CAAQM station (DPCC) (Dwarka-Sector 8, Delhi) is located at aerial distance of approx. 1.8 km from the alleged site whereas nearest manual station (Janakpuri, Delhi) is located at aerial distance of approx. 7.2 km from the alleged site.

17. The answering respondent craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.



18. That in view of the above facts and submissions, it is respectfully prayed that the reply of the answering Respondent CPCB (Respondent No. 5) be taken on record and appropriate direction/order may be passed by this Hon'ble Tribunal in the instant matter whereby this answering Respondent will abide by the same, accordingly.



(Sharandeep Singh)
Scientist 'E'

Central Pollution Control Board

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AFFIDAVIT

I, Sharandeep Singh, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 5 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during



ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Sharaandeep

शरणदीप सिंह / Sharaandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Mo Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at New Delhi on this day of **09 JUL 2025** that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



Sharaandeep

DEPONENT

शरणदीप सिंह / Sharaandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Mo Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED

S
 NOTARY PUBLIC, DELHI
 GOVT. OF INDIA

09 JUL 2025

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dhanenjay Pandey <dpandey8376@gmail.com>

(no subject)

1 message

dhanenjay Pandey <dpandey8376@gmail.com>
To: rldavnn0325@gmail.com

Wed, Jul 9, 2025 at 2:44 PM



Reply in OA No. 227 of 2025.pdf
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