

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

ORIGINAL APPLICATION NO. 69 OF 2025

In the matter of:

Naresh Kumar Yadav

...Applicant

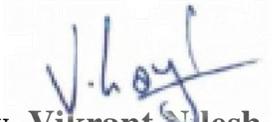
VERSUS

State of Haryana & Ors.

...Respondents

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Filed by: Adv. Vikrant Nishesh Goyal

On behalf of Central Pollution Control Board

Place: Delhi

Date: 29.04.2025

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

Original Application No. 69/2025

IN THE MATTER OF:

Naresh Kumar Yadav

.....APPLICANT

VERSUS

State of Haryana & Ors.

.....RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 3, CENTRAL POLLUTION
CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT vide Notice dated 24th February, 2025 referring its order dated February 17, 2025 has sought the response of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the response is made in this instant Original Application i.e. Original Application No. 69/2025 titled Naresh Kumar Yadav Versus State of Haryana & Ors. (hereinafter referred as OA) in succeeding paragraphs.
2. That, at the outset, the answering respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the referred 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 and except any averment which has been expressly admitted hereinafter.

3. That, CPCB is constituted under 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 issues raised in the matter of Hon'ble NGT Original Application No. 69/2025 titled Naresh Kumar Yadav Versus State of Haryana & Ors. are about starting of construction activity without obtaining environmental clearance (EC), consent to establish (CTE) and consent to operate (CTO) at village Harsaru, Sector 88A, Gurugram, Haryana by respondent no. 7 - a real estate developer company namely M/s Nani Resorts and Floriculture Private Limited.

PRELIMINARY SUBMISSIONS: -

5. That, in context of requirement of Environmental Clearance (hereinafter referred to as "EC"), it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the Requirements of prior EC and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and



Climate Change (hereinafter referred to as 'MoEF&CC') and the projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before carrying out the construction works.

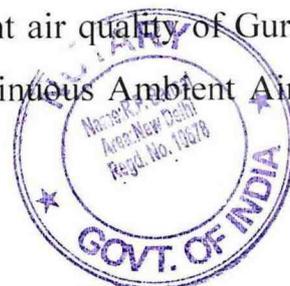
6. That, in context of consent required to be obtained by the said project, it is also humbly submitted that, State Pollution Control Boards/Pollution Control Committees are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.
7. That, CPCB has prepared following guidelines for control of pollution from construction and demolition activities:
 - i. Guidelines on DUST mitigation measures in handling Construction material & C&D wastes". Copy is available at <https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTYxXzE1MTE5MzMzMzNzJfbWVkaWFwaG90bzEyNjcxLnBkZg==>
 - ii. Guidelines on Environmental Management of Construction & Demolition (C & D) Wastes. Copy is available at <https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTUyXzE1MTEyNjQwMTVfbWVkaWFwaG90bzQ2OTAucGRm>



8. That the Central Pollution Control Board vide letter dated March 19, 2025 has requested SEIAA, Haryana and Haryana State Pollution Control Board to take action as required on the grievance mentioned in OA and communicate status to CPCB. Copy of the said letters are enclosed in **Annexure – I**. The status report/action taken report on the matter is awaited from the concerned authorities. As the issues raised in the instant matter falls under the purview of state-specific agencies such as SEIAA, Haryana and Haryana State Pollution Control Board therefore, it is respectfully prayed that the Hon'ble Tribunal may consider the response filed by concerned respondents for adjudication of the instant matter.

PARAWISE REPLY: -

9. That, the averments made in Paragraph No. 1 under the heading “MOST RESPECTFULLY SHOWETH’ are about applicant. Hence, need no comments from this Answering Respondent.
10. That, the averments made in Paragraph No. 2 under the heading “MOST RESPECTFULLY SHOWETH’ are about respondents, their function and addresses. In this context, submission made at paragraph no. 3 of this instant reply is re-iterated and same is not repeated for the sake of brevity.
11. That, the averments made in Paragraph No. 3 under the heading “FACTS IN BRIEF” are about Gurugram one of the world's most polluted cities, stating that the air quality in Gurugram is 17 times worse than the World Health Organization (WHO) safety limits and its consecutive effects. In this context, it is humbly submitted that the ambient air quality of Gurugram is being monitored through four number of Continuous Ambient Air Quality



Monitoring Stations (CAAQMS) located at (i) NISE Gwal Pahari, (ii) Sector-51, (iii) Teri Gram, and (iv) Vikas Sadan. The data generated from these stations is used to generate Air Quality Index of Gurugram. AQI analysis of last three years (2022-24) reveals that Number of Good days (AQI \leq 200 i.e., Good+Satisfactory+Moderate) exceeded the number of Bad days (AQI \geq 201 i.e., Poor+Very Poor+Severe) in all the years except 2022. Further, it is submitted that the WHO guideline for ambient air quality is advisory in nature and are not mandated under the Environment (Protection) Amendment Act, 1986. Ministry of Environment, Forest and Climate Change has notified National Ambient Air Quality Standards (NAAQS) to protect public health and environment from air pollution.

12. That, the averments made in Paragraph Nos. 4 to 8 under the heading "FACTS IN BRIEF" are stating about - the pollution due to illegal construction activity in Gurugram in general; the project under reference; construction activity carried out by the respondent no. 7 at the site in violation with Environmental Norms; the EIA Notification, 2006 and its applicability etc. In this context, submission made at paragraph no. 5,6,7 & 8 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

13. That, the averments made in Paragraph No. 9 under the heading "FACTS IN BRIEF" are stating about application of respondent no. 7 for obtaining EC for the project under reference from SEIAA, Haryana and non-issuing of EC. In this context, submission made at paragraph no. 5 and 8 of this instant reply are re-iterated and same are not repeated for the sake of brevity.



14. That, the averments made in Paragraph No. 10 and 11 under the heading “FACTS IN BRIEF” are stating about the projects under violation category; for dealing such projects, Standard Operating Procedure (hereinafter referred as SOP) dated 07.07.2021 issued by MoEF&CC in the matter of O.A. No. 34/2020 (WZ) and Office memorandum (hereinafter referred as OM) dated 29.03.2022 issued by MoEF&CC. In this context, submission made at paragraph no. 5 & 8 of this instant reply are re-iterated and same are not repeated for the sake of brevity.
15. That, the averments made in Paragraph No. 12 under the heading “FACTS IN BRIEF” are stating about the submission of false affidavit on Parivesh Portal by the respondent no. 7, which are not applicable to this respondent and hence, need no comments from this Answering Respondent.
16. That, the averments made in Paragraph No. 13 and 14 under the heading “FACTS IN BRIEF” are stating about carrying construction activity without obtaining consent/ NOC & EC from the concerned Authorities by the respondent no. 7. In this context, submissions made at paragraph no. 5 and 6 of this instant reply are re-iterated and same are not repeated for the sake of brevity.
17. That, the averments made in Paragraph No. 15 under the heading “FACTS IN BRIEF” are stating about applicant’s communication to the SEIAA Haryana, MoEF&CC and others regarding above stated violation by Respondent No. 7. In this context, submission made at paragraph no. 8 of this instant reply is re-iterated and same is not repeated for the sake of brevity.



18. That, the averments made in Paragraph Nos. 16 and 17 under the heading "FACTS IN BRIEF" are stating about photographs depicting the activity of Respondent No. 7 and unauthorized construction carried out at the site under reference and its consecutive effect on the environment. In this context, submission made at paragraph no. 8 of this instant reply is re-iterated and same is not repeated for the sake of brevity.

19. That, the averments made in Paragraph Nos. 18 to 20 under the heading "FACTS IN BRIEF" are stating about applicant's approach to concerned authorities, inaction of the authorities, cause of applicant's approach before Hon'ble NGT and applicant's declaration. It is humbly submitted that, the submissions made in the preceding paragraphs are re-iterated and not repeated for the sake of brevity.

20. That, the averments made under Paragraph Nos. 21 to 26 under heading "GROUNDS" are about the various Grounds for filing the present Original Application by the Applicant. It is humbly submitted that, the submissions made in the preceding paragraphs are re-iterated and not repeated for the sake of brevity.

21. That, the averments contained under the Headings "Jurisdiction", "Limitation", "Interim Relief", "Prayer" clause may be adjudicated by the Hon'ble Tribunal. Hence, need no comments from this Answering Respondent.



22. That, the answering respondent herein, craves leave of this Hon'ble tribunal to file additional reply in future, if required, in the instant matter.

23. That, in light of the above submissions, this Answering Respondent No.3 that is CPCB shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the present Original Application.


(Sharandeep Singh)

Scientist 'E'

Central Pollution Control Board



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

Original Application No. 69/2025

IN THE MATTER OF:

Naresh Kumar Yadav

.....APPLICANT

VERSUS

State of Haryana & Ors.

.....RESPONDENTS

AFFIDAVIT

I, Sharandeep Singh, aged about 45 years in the capacity of Scientist-E, having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows: -

1. That, I, the deponent herein is the authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent 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 records 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.


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

VERIFICATION

I, Sharandeep Singh, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032, the Respondent No. 6 herein does hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at New Delhi on this the ^{29 APR 2025} Day of April, 2025

ATTESTED

NOTARY PUBLIC, DELHI
GOVT. OF INDIA

29 APR 2025




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

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LIFE
Lifestyle for
Environment



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

No.: CM-13011/41/2025-LAW-HO-CPCB-HO

March 19, 2025

To

The Member Secretary,
State Environment Impact Assessment Authority Haryana,
Bay's No. 55-58, Paryatan Bhawan,
Sector-2, Panchkula,
Haryana - 134113

Subject: Hon'ble NGT Original Application No. 69/2025 titled Naresh Kumar Yadav Versus State of Haryana & Ors.

Ref.: Hon'ble NGT (PB) Order dated February 17, 2025 and Notice dated 24th February, 2025 received by CPCB in above said matter.

Sir,

This is in reference to Hon'ble National Green Tribunal (NGT) Order dated February 17, 2025 (Copy enclosed) and Notice dated 24th February, 2025 issued by Hon'ble NGT in Original Application No. 69/2025 titled Naresh Kumar Yadav Versus State of Haryana & Ors. In the said matter, the issues raised are about illegal construction without obtaining consent to establish (CTE)/Consent to operate (CTO) and prior Environmental Clearance (EC) at village Harsaru, Sector 88A, Gurugram, Haryana by respondent no. 7 - a real estate developer company namely M/s Nani Resorts and Floriculture Private Limited.

In view of the above, it is requested that the matter be examined at the appropriate level and necessary action please be taken. Additionally, an action-taken report may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,

[Signature]
19.03.2025
[Sharandeep Singh]
Divisional Head-UPC-I

402/0101/25-
19/3/2025

o/c

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत *[Signature]*
दिनांक 19/3/25

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

No.: CM-13011/41/2025-LAW-HO-CPCB-HO

March 19, 2025

To

The Member Secretary
Haryana State Pollution Control Board
C-11, Sector-6, Panchkula,
Haryana - 134109

Subject: Hon'ble NGT Original Application No. 69/2025 titled Naresh Kumar Yadav Versus State of Haryana & Ors.

Ref.: Hon'ble NGT (PB) Order dated February 17, 2025 and Notice dated 24th February, 2025 received by CPCB in above said matter.

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In view of the above, it is requested that the matter be examined at the appropriate level and necessary action please be taken. Additionally, an action-taken report may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,

[Sharandeep Singh]
Divisional Head-UPC-I

401/UPC-I/BS
19/3/2025

o/c

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत
दिनांक 19/3/25

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

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Vikrant N Goyal <v.n.goyal@gmail.com>

Reply in OA 69 of 2025 Titled Naresh Kumar Yadav vs State of Haryana

1 message

Vikrant N Goyal <v.n.goyal@gmail.com>
To: chambersofshashankrai@gmail.com

29 April 2025 at 18:55

Sir,

Please find reply in the above captioned matter attached herewith.

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Regards,

Vikrant N Goyal**Advocate**7, 3rd Floor, Prem Nagar Market ,
Tyagraj Nagar, New Delhi-110003
Mob:9953228888

 **Reply in OA No. 69 of 2025.pdf**
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