

N.D.H.: 22.12.2025

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

ORIGINAL APPLICATION NO. 61 OF 2025

IN THE MATTER OF:

NARENDER SIROHI

..... APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD
& OTHERS

..... RESPONDENTS

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Place: New Delhi

Date: 15.10.2025

Filed by:-



(GAURAV AGARWAL)

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Nanak Forge

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**REPLY ON BEHALF OF RESPONDENT NO. 17,
NANAK FORGE**

1. That the instant OA has been filed by the Applicant arraying the answering Respondent as Respondent no. 17 alleging that the answering Respondent and similar units are established in the village Saroorpur, Industrial area, Faridabad and other nearby villages and engaged in the work of aluminum casting, melting of aluminum and metal scarp and extraction of metals by burning plastic waste in violation of the environmental laws and thereby causing extreme air and water pollution.
2. That considering the facts of the case and seriousness of the issue this Tribunal issued notice to the Respondents and constituted a joint committee of Representative of MS, CPCB, MS HSPCB, RO MOEF&CC, and District Magistrate, Faridabad to submit a report after site visit and ascertaining the correctness in the allegations made in the OA.
3. That matter was listed on 20.05.2025 when the answering Respondent appeared pursuant to the notice served upon it. As the report of the joint committee dated 19.05.20205 filed by the HSPCB was not placed on record this Hon'ble Tribunal

adjourned the matter to 22.09.2025 with liberty to the answering Respondent to file its response.

4. That pursuant to the liberty granted by this Tribunal the answering Respondent is filing the instant reply to the OA as well as to the joint committee report.

PRELIMINARY OBJECTION :

5. That without admitting the allegations made by the Applicant in the instant OA, a preliminary objection to the maintainability of the Original Applications is raised by the answering Respondent.
6. That it is submitted that the prayer made by the Applicant seeking imposition of environmental compensation under section 15 of NGT as well as an order seeking shutting down of the unit is also not maintainable being barred by limitation. Section 14(3) of the NGT Act clearly provides that *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose.* The language of the provision clearly suggests that there is no concept of continuing cause of action as the legislature in its wisdom has provided an outer limit of six months from the cause of action arising first. Hence, the answering Respondent having being established much before the coming into force of the National Green Tribunal Act, (though not in operation now and closed since long), cause of action, if any, first arose on much prior to the

enforcement of NGT Act. Hence, the original Application is beyond limitation and not maintainable for this reason also.

7. That in **Windsor Realty Pvt. Ltd.v. Secretary MOEF, W.P. No. 594 of 2015, decided on 09.06.2016** the High Court of Judicature at Bombay has held that the concept of continuous cause of action is alien to this Tribunal. The High Court has held that :

“35. A bare perusal of the said section clearly discloses that period of limitation is six months from the date on which the cause of action first arose. Prima faice, therefore it cannot be interpreted by any stretch of imagination that it would arise from the date of knowledge of the original applicant of the alleged violation taking place or from the date on which the Environmental Authorities were informed about violation and inaction on their part. There appears to be a lot of confusion in the mind of NGT Bench, Pune on various aspects of continuous cause of action. Perusal of the said Section indicates that the concept of continuous cause of action cannot apply to the complaints which are filed before the NGT because had it been so, the legislature would not have stated that the limitation would be six months from the date on which the cause of action for such dispute first arose. If the interpretation which is sought to be given to the provision by the NGT Bench, Pune in the impugned order is accepted, the complaint could be filed by the aggrieved person at any point of time, claiming that he came to know about the violation after 10 or 20 years. At the same time, if there is any violation of the provisions of the Environment (Protection) Act, 1986, the same have to be addressed and looked into. The only question is by which Authority.”

8. That it is submitted that the Applicant is a resident of Sector 55, NIT Faridabad. The application before this Tribunal ought to have been filed within 6 months of the cause of action first arising. There is no averment in the OA that the cause of

action has first occurred within six months from the date of filing of the present original application. Rather para 7 mentions on a misconceived notion that cause of action is continuing in nature and the OA is being filed within limitation u/s 14 of the NGT Act. The absence of bare minimum mention of any date or time specifying when the cause of action first arise clearly bars the OA by limitation.

9. That in para 5.12 the applicants admits that the units were operating since long time. This evident that the cause of action first arose more than 6 months prior to filing of the Application. The Annexure A-4 are the tweets made by the Applicant since Nov 2022 against the alleged illegally operating units. The tweet filed by the Applicant at least make it clear that the cause of action did not arose first within a period of 6 months form the date of filing of the OA. Though Nov 2022 itself cannot be said to be conclusive when cause of first arose and it could even be prior to that but not later.

REPLY ON MERITS :

10. That without prejudice to the submissions made in preceding paragraphs at the outset the answering Respondent denies each and every allegations and averments made in the original application by the Applicant being false, incorrect apart from being general and vague in nature.
11. That it is submitted that the answering respondent is not operating any plant or unit at the alleged site and is lying closed since long. The said fact is also fortified from the joint committee report at page 100 which mentions that the unit is closed. Therefore, the allegation in Original application, which

is otherwise also general and vague in nature, is not substantiated.

12. That in light of the submission made in the preceding paragraph it is submitted that it is incorrect and false to state that answering Respondent is operating without any consent from the HPSCB or that it is withdrawing ground water without obtaining permission from the HWRA.
13. That the answering Respondent being closed unit and not in operation is not utilizing any type of fuel. It is wrong and incorrect to state that the answering Respondent is operating its furnaces using coal or any other ban fuels causing extreme air pollution. It is also pertinent to mention that the answering Respondent even while in operation has never used any banned fuel or operated in violation of the environmental law causing damage to environment posing risk to health and life of the citizens including its labour.
14. That the allegations made in the OA does not pertains to the answering Respondent being general and vague. Applicant failed to submit the non-compliance of environmental law on part of the answering Respondent. The fact that the answering Respondent unit is not in operation and is closed shows that the Applicant has made Respondents in the present proceedings merely on basis of the location of the unit and not actual violation. Thus, the allegations itself cannot lead to conclusion of current or past violation by the answering Respondent.
15. That the joint committee report mentions that the answering Respondent found closed. Moreover, no violation was

observed by the joint committee as against the answering Respondent for even any activity in past. The report does not support the bald allegations of the Applicant in the OA as against the answering Respondent.

16. That in the light of the submissions made above it is submitted that answering Respondent has been arrayed as party without any substance. Hence, the OA deserves to be dismissed as against the answering Respondent.

M/S NANK FORGE
Respondent No. 17

Through


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AFFIDAVIT

I, AVTAR SINGH, aged about 54 years, S/o Shri Achhar Singh, R/o P-11/04, Byatp, Sector 75P, Old Faridabad, District Faridabad, Haryana- 121002 do hereby state on solemn affirmation as under:

1. That I am a Proprietor of the answering Respondent in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.



That I have gone through the accompanying Reply from para 1 to 16 and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.

Solemnly affirmed on this ___ day of September, 2025 at Faridabad, Haryana.

Avin
DEPONENT

VERIFICATION

Verified at Faridabad, Haryana on this ___ day of September, 2025 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

I know the Deponent and He/She
Signed Print. His/Her Thumb
Impression in My Presence

ATTESTED AS IDENTIFIED

Notary Faridabad (Haryana)

Avin
DEPONENT

26 SEP 2025