

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

**ORIGINAL APPLICATION NO. 651 OF 2025**

**IN THE MATTER OF:**

**DEV INDUSTRIES**

**...APPLICANT**

**VERSUS**

**STATE OF UTTAR PRADESH  
& ORS.**

**...RESPONDENT(S)**

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**THROUGH**

**DATE: 05.01.2026**

**PLACE: NEW DELHI**



**STHAVI ASTHANA  
ADVOCATE FOR UPPCB  
C-9, SECTOR 50, NOIDA,  
UTTAR PRADESH-201303**

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

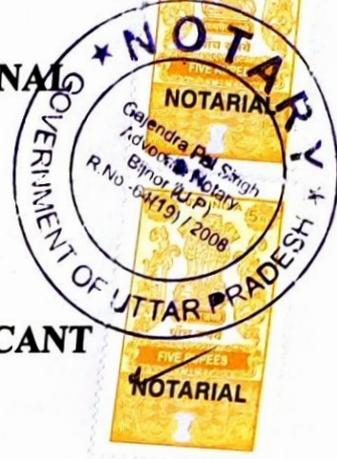
ORIGINAL APPLICATION NO. 651 OF 2025

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**VERSUS**  
**STATE OF UTTAR PRADESH**  
**& ORS.**

...RESPONDENT(S)



**REPLY ON BEHALF OF RESPONDENT NO. 2, UTTAR PRADESH POLLUTION CONTROL BOARD**

I, Dr. Umesh Chandra Shukla, aged about 53 years, S/o Shri Pannalal Shukla, presently posted as Regional Officer, Uttar Pradesh Pollution Control Board (hereinafter "UPPCB"), Bijnor, do hereby solemnly affirm and state on oath as under:

1. That in the official capacity mentioned above, I am acquainted the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.
2. That the present O.A. seeks to challenge the order dated 17.07.2025 passed by UPPCB imposing the environmental compensation of Rs. 50,23,296/- at the rate of Rs. 32,832/- per day from September, 2024 to January, 2025 for violating the environmental norms. By this order there is also a direction for closure of the unit and disconnection of supply of electricity.

**PRELIMINARY OBJECTIONS**

3. That an Original Application under Section 14 of the National Green Tribunal Act, 2010 (hereinafter “the Act”) is not maintainable in the present case as there is a specific remedy of appeal provided under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter “the Air Act”). The period of limitation for filing an appeal against an order of the State Pollution Control Board is 30 days from the date on which the order under challenge is communicated to the person aggrieved. In the present case, the period of limitation for filing an appeal against the order dated 17.07.2025 having long expired due to the delay on part of the Applicant, the Applicant has sought to file the present OA in order to get the benefit of the longer period of limitation available under Section 14 of the Act, which is in itself a misuse of the judicial process and an attempt to mislead this Hon’ble Tribunal.

4. That the issue in the present case is already *sub judice* before this Hon’ble Tribunal in the case of OA No. 3 of 2025 titled as “Bhishm Tyagi vs State of U.P. & Ors.” and there can be no fresh cause of action to file the present O.A.

**PARA WISE REPLY**

5. That the contents of Para 1 merit no response.
6. That the contents of Para 2 merit no response.



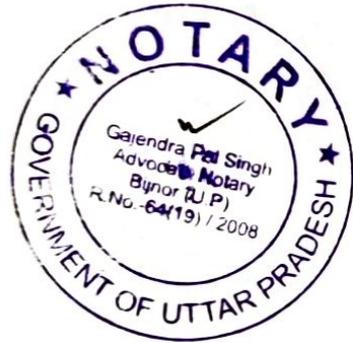
7. That the contents of Para 3 merit no response.
8. That the contents of Para 4 are denied and it is submitted that there were multiple non-compliances found during the inspections conducted by UPPCB as well as the Joint Committee set up by this Hon'ble Tribunal, on the basis of which the order dated 17.07.2025 was passed.
9. That the contents of Para 5 merit no response.
10. That the contents of Para 6 merit no response.



- That the contents of Para III "Compliance Matrix" are denied and the Applicant is put to strict proof of the same. It is submitted that any developments after the date of the order dated 17.07.2025 are not relevant for the purposes of the present case. Furthermore, it is admitted that the Applicant has not yet obtained "Change of Land Use permission".
12. That the contents of Para 7 are denied and the Applicant is put to strict proof of the same.
  13. That the contents of Para 8 are denied and it is submitted that the UPPCB has taken appropriate action as per law in response to non-compliances and lapses on part of the Applicant as revealed during inspection conducted by the Joint Committee set up by this Hon'ble Tribunal on 07.03.2025, in which the Regional Officer of UPPCB, Bijpur was also a member, as also the inspection dated

30.05.2025 conducted by officials of the Regional Office of UPPCB, Bijnor.

14. That the contents of Para 9 are denied and it is submitted that the Reply dated 19.05.2025 filed by the Applicant was duly considered by the UPPCB and found inadequate.
15. That the contents of Para 10 are denied and it is submitted that the Reply dated 19.05.2025 filed by the Applicant was duly considered by the UPPCB and found inadequate. The UPPCB, vide order dated 17.07.2025, has given a detailed response to each point raised by the Applicant in its Reply dated 19.05.2025. The computation of the amount of Environmental Compensation (hereinafter "EC") was done in compliance with the EC Regime 2 under the Guidelines for Environmental Compensation under Waste Tyre EPR Regime notified by the Central Pollution Control Board vide letter dated 03.09.2024.
16. That the contents of Para 11 merit no response.
17. That the contents of Para 12 are denied.
18. That the contents of Ground A are denied and it is submitted that the calculation of EC was done by UPPCB as per the guidelines laid down by CPCB under EC Regime-2.
19. That the contents of Ground B are denied and it is submitted that as per the information provided by the Applicant itself vide letter dated 07.05.2025, the unit was utilizing 2392 kg/ day of tyres



from September 2024 till April 2025. The calculation of EC was based on this figure provided by the Applicant itself.

A true copy of the letter dated 07.05.2025 is annexed hereto and marked as **Annexure No. 1**.

20. That the contents of Ground C are denied and it is submitted that the calculation of EC was done by UPPCB as per the guidelines laid down by CPCB under EC Regime-2.
21. That the contents of Ground D are denied and it is submitted that the UPPCB has taken appropriate action as per law in response to non-compliances and lapses on part of the Applicant as revealed during inspection conducted by the Joint Committee set up by this Hon'ble Tribunal on 07.03.2025, in which the Regional Officer of UPPCB, Bijnor was also a member, as also the inspection dated 30.05.2025 conducted by officials of the Regional Office of UPPCB, Bijnor.
22. That the contents of Ground E are denied and it is submitted that the UPPCB has taken appropriate action as per law in response to non-compliances and lapses on part of the Applicant as revealed during inspection conducted by the Joint Committee set up by this Hon'ble Tribunal on 07.03.2025, in which the Regional Officer of UPPCB, Bijnor was also a member, as also the inspection dated 30.05.2025 conducted by officials of the Regional Office of UPPCB, Bijnor.



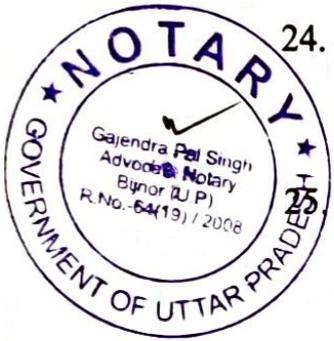
23. That the contents of Ground F are denied and it is submitted that the UPPCB has taken appropriate action as per law in response to non-compliances and lapses on part of the Applicant as revealed during inspection conducted by the Joint Committee set up by this Hon'ble Tribunal on 07.03.2025, in which the Regional Officer of UPPCB, Bijnor was also a member, as also the inspection dated 30.05.2025 conducted by officials of the Regional Office of UPPCB, Bijnor.

24. That the contents of Ground G are denied in view of the submissions made above.

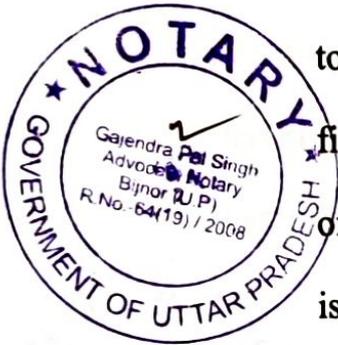
That the contents of Ground H are denied in view of the submissions made above.

26. That the contents of Ground I are denied in view of the submissions made above. It is submitted that the UPPCB has taken appropriate action as per law in response to non-compliances and lapses on part of the Applicant as revealed during inspection conducted by the Joint Committee set up by this Hon'ble Tribunal on 07.03.2025, in which the Regional Officer of UPPCB, Bijnor was also a member, as also the inspection dated 30.05.2025 conducted by officials of the Regional Office of UPPCB, Bijnor.

27. That the contents of Ground J are denied in view of the submissions made above.



28. That the contents of Para VII "Limitation" are denied and it is submitted that the present O.A. is not maintainable as a separate remedy of appeal is provided under Section 31 of the Air Act. The period of limitation for filing an appeal against an order of the State Pollution Control Board is 30 days from the date on which the order under challenge is communicated to the person aggrieved. In the present case, the period of limitation for filing an appeal against the order dated 17.07.2025 having long expired due to the delay on part of the Applicant, the Applicant has sought to file the present OA in order to get the benefit of the longer period of limitation available under Section 14 of the Act. The Applicant is abusing the judicial process and has sought to mislead this Hon'ble Tribunal. The present application is therefore barred by limitation.
29. That the contents of Para VIII "Jurisdiction" are denied and it is submitted that the order dated 17.07.2025 was passed under Section 31A read with Section 21(4) of the Air (Prevention and Control of Pollution) Act, 1981 as well as in compliance with the orders of this Hon'ble Tribunal.
30. That in view of the above, the present O.A. deserves to be dismissed with costs.



31. That the answering Respondent shall comply with all orders and directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

DEPONENT

**VERIFICATION:**

Verified at   Bijnor   on this the   5   day of   January  , 2026 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.



DEPONENT

Sworn before me on this   5   day of the   01   2026  
by   Dr. Umesh Chandra Shukla    
who has been identified by   Aashu Aashu    
who is personally known to me   Aa    
whose signature (S) is/are here it appended

Gajendra Pal Singh  
NOTARY,  
BIJNOR-246701 (U.P.)

## DEV INDUSTRIES

Annexure No.-1

Rubber Processed Oil, Carbon, Steel Wire etc.

सेवा में,

श्रीमान क्षेत्रीय अधिकारी,  
प्रदूषण नियंत्रण बोर्ड  
बिजनौर 225000

पत्रांक.....  
दिनांक 07-05-2024  
पत्रायली सं. 0-33/कि

महोदय,

सविनय निवेदन है कि हमारी ईकाई द्वारा माह जनवरी 2024 से 30 अप्रैल 2024 तक महीनेवारं वायर खपत का विवरण निम्नलिखित प्रकार है।

क्र.सं	माह	खपत किलो में
1.	माह जनवरी 24	59500
2.	फरवरी 24	70800
3.	मार्च 24	78200
4.	अप्रैल 24	81950
5.	मई 24	73500
6.	जून 24	87500
7.	जुलाई 24	41700
8.	अगस्त 24	39600
9.	सितम्बर 24	38200
10.	अक्टूबर 24	75400

ABE  
m.a.pl.

14/05/24

14/05/24  
M. Pathari

14/05/24

14/05/24



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OFFICE : TYAGI MARKET, ABDULLAPUR, DAHANA SAIDPUR BATTI P.O. NAGLI PATHWARI DISTT. BIJNOR  
Mobile : 09758664935 • E-mail : sachinstyagi1987@gmail.com

**DEV INDUSTRIES***Rubber Processed Oil, Carbon, Steel Wire etc.*

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11.	माह नवम्बर 24	86300
12.	दिसम्बर 24	87400
13.	जनवरी 25	92800
14.	फरवरी 25	—
15.	मार्च 25	42500
16.	अप्रैल 25	79720

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 1035170 KGS
 

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अतः माननीय महोदय से जायज है कि  
 सूचना गृह्य करने की कृपा करें  
 काफ़ी कति कृपा होनी

आर्थ



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