

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(MA No 70/2024)  
IN  
ORIGINAL APPLICATION NO. 455 OF 2015**

**IN THE MATTER OF:**

**DR. DEVASHISH BHATTACHARYA**

**APPLICANT**

**VERSUS**

**STATE OF UTTAR PRADESH AND  
ORS.**

**RESPONDENTS**

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**Date:15/12/2025**

**Place: New Delhi**

**THROUGH**



**Priyanka swami**

**Advocate**

**Standing Counsel For State of U.P**

**F-13, Jangpura, New Delhi 110014**

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**REPLY ON BEHALF OF RESPONDENT NO. 4 CHAIRMAN, SEIAA,  
U.P. WITH AFFIDAVIT**

**MOST RESPECTFULLY SHOWETH**

- 1.** That the present reply is being filed on behalf of Respondent No. 2, namely the State Level Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, in compliance with the order dated 13.08.2024 passed by this Hon'ble Tribunal in Original Application No. 455 of 2015 read with Miscellaneous Application No. 70 of 2024.
- 2.** That the Applicant had filed the present Original Application alleging large-scale environmental pollution caused by unorganized petha

manufacturing industries operating in Agra City and had sought directions for prohibition of fossil fuel usage, prevention of waste disposal into sewage and open areas, and allied reliefs.

- 3.** That this Hon'ble Tribunal was pleased to dismiss the Original Application vide order dated 02.08.2016 and thereafter also dismissed Review Application No. 25 of 2016 vide order dated 26.08.2016.
- 4.** That the aforesaid orders dated 02.08.2016 and 26.08.2016 were challenged before the Hon'ble Supreme Court of India by way of Civil Appeal Nos. 9892–9893 of 2016, and the Hon'ble Supreme Court vide order dated 23.07.2024 was pleased to set aside the said orders and remanded the matter back to this Hon'ble Tribunal for fresh consideration.
- 5.** That pursuant to the directions issued by the Hon'ble Supreme Court, the Applicant has corrected the description and address of Respondent No. 10, namely Noori Darwaza Petha Union, and has further impleaded Agra Nagar Nigam as Respondent No. 11.
- 6.** That the Applicant in the present proceedings has prayed for directions to prohibit the use of fossil fuels, relocate petha manufacturing industries outside the city limits of Agra, inspect the

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extraction and use of groundwater, and restrain the use of diesel generator sets by petha manufacturing units.

- 7.** That the State Level Environment Impact Assessment Authority, Uttar Pradesh, was constituted by the Ministry of Environment, Forest and Climate Change, Government of India, vide notification S.O. 3338(E) dated 16.10.2017 and was subsequently reconstituted vide notification S.O. 2276(E) dated 11.06.2021, with the Directorate of Environment, Uttar Pradesh, functioning as its Secretariat.
- 8.** That the SEIAA functions strictly in accordance with the Environmental Impact Assessment Notification, 2006 (as amended), which mandates prior Environmental Clearance for only those projects which are specifically listed in the Schedule appended thereto and are categorized as Category 'A' or Category 'B' projects based on their environmental impact potential.
- 9.** That the petha manufacturing industry does not fall within the ambit of the EIA Notification, 2006, as it is not included in the Schedule of projects requiring prior Environmental Clearance under the said notification.
- 10.** That issues pertaining to pollution arising out of fossil fuel usage, illegal groundwater extraction, and other environmental violations

allegedly committed by petha manufacturing units fall within the regulatory jurisdiction of the Uttar Pradesh Pollution Control Board, the Agra Development Authority, and the Urban Development Department, Government of Uttar Pradesh.

- 11.** That the Uttar Pradesh Pollution Control Board is the competent statutory authority entrusted with the regulation and control of air and water pollution arising from industrial activities under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.
- 12.** That the Agra Development Authority and the Urban Development Department are responsible for matters relating to urban planning, zoning, and relocation of industries operating within municipal limits, while the Central Ground Water Board exercises jurisdiction over groundwater resource assessment and management.
- 13.** That the statutory mandate of the SEIAA is confined strictly to the appraisal and grant of Environmental Clearance for projects enumerated under the Schedule to the EIA Notification, 2006, and the said mandate does not extend to industries such as petha manufacturing units which are outside the scope of the said notification

- 14.** That in view of the aforesaid legal and statutory position, the SEIAA, Uttar Pradesh, respectfully submits that it is not the appropriate authority to address or adjudicate upon the grievances raised by the Applicant in the present Original Application.
- 15.** That the SEIAA, while remaining committed to environmental governance and regulatory compliance within its jurisdiction, humbly prays that this Hon'ble Tribunal may be pleased to take the present reply on record and discharge it from the array of parties, while reserving its right to assist this Hon'ble Tribunal as and when directed.

### **PRAYER**

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

- a)** Take the present reply on record and discharge the SEIAA, Uttar Pradesh, from the array of parties in the present matter;  
and
- b)** Pass any other or further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT AS IN DUTY

BOUND SHALL EVER PRAY.

**Date:15/12/2025**

**THROUGH**

A handwritten signature in blue ink that reads "Priyanka Swami". The signature is written in a cursive style with a horizontal line underneath the name.

**Place: New Delhi**

**Priyanka swami**

**Advocate**

**Standing Counsel For State of U.P**

**F-13, Jangpura, New Delhi 110014**

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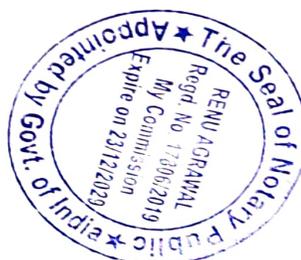
**STATE OF UTTAR PRADESH AND  
ORS.**

**RESPONDENTS**

**AFFIDAVIT**

I, Vidhyotma Bharti, aged about 49 years, W/o Dr. G.L. Nigam, presently posted as Assistant Director, Regional Office, Noida, Directorate of Environment, U.P., having an office at E-12/1, Noida, U.P., presently at New Delhi do hereby solemnly affirm and State on oath as under:

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.
4. That the Deponent will continue to extend her full cooperation and shall abide by any further directions that the Hon'ble Tribunal may issue.





*[Handwritten signature]*

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on this 15 DEC 2025 day of 2025,  
 that the contents of the foregoing affidavit are true and correct to the best of  
 my knowledge and no part of it is false and nothing material has been  
 concealed therefrom

*[Handwritten signature]*

DEPONENT

*I identified  
 by  
 RIYANNA SATHI  
 D/4476/110  
 I identified the deponent who  
 has signed in my presence*

**ATTESTED**  
*[Signature]*  
**NOTARY PUBLIC  
 (INDIA)**  
**15 DEC 2025**