

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****APPEAL NO. 37 OF 2025****IN THE MATTER OF:**

ASHOK KUMAR

...APPELLANT

VERSUS

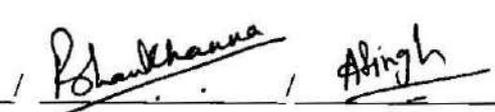
STATE OF HARYANA & ORS.

...RESPONDENTS

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Through
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BEFORE THE NATIONAL GREEN TRIBUNAL

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**REPLY ON BEHALF OF RESPONDENT NO. 6 TO THE
MEMORANDUM OF APPEAL CHALLENGING THE GRANT OF
ENVIRONMENTAL CLEARANCE.**

MOST RESPECTFULLY SHOWETH:

At the very outset, the Respondent denies and refutes the contents of the Petition under reply, save and except to the extent herein expressly admitted and no part thereof should be presumed to have been admitted on the account of express or implied non-denial or non-transversal thereof.

PRELIMINARY SUBMISSIONS/OBJECTIONS:

- A. That the main contention of the Appellant, is directed against the grant of the Environmental Clearance to answering Respondent No. 6, by the State Level Environment Impact Assessment Authority (“SEIAA”), by disregarding the

directions issued by the Hon'ble Supreme Court of India in "Vanashakti Vs. Union of India" in its judgement dated 16.05.2025 (hereinafter "Vanashakti judgement"), reported as *2025 SCC Online SC 1139*, wherein the Hon'ble Supreme Court struck down the 2017 Notification and the 2021 Office Memorandum, as illegal as they allowed *ex-post facto* or retrospective environmental clearance. It is submitted that a review petition was filed before the Hon'ble Supreme Court in the Vanashakti judgement titled as "Confederation of Real Estate Developers of India (CREDAI) Vs. Vanashakti and Anr", wherein the Hon'ble Supreme Court on 18.11.2025 has recalled the Vanashakti judgement while holding that the 2021 office memorandum was a statutory instrument issued under the Environmental Protection Act, 1986. Furthermore, it also held that *ex-post facto* environmental clearances are not strictly prohibited subject to strict environmental safeguards, comprehensive assessments and imposition of penalties and any project granted environmental clearance under the office memorandum would hold legal status. The Appeal thus deserves to be dismissed.

- B. It is further submitted that even the directions issued by the Hon'ble Supreme Court of India in the Vanashakti judgement dated 16.05.2025 wherein the Hon'ble Court struck down the 2017 Notification and the 2021 Office Memorandum, as illegal as they allowed *ex-post facto* or retrospective environmental clearance, would not have effected the Environmental Clearance granted to the Appellant on 19.02.2025 in view of the protection granted by the Hon'ble Court in Para 36 (c) stating that the Environmental Clearances already

granted till date under the 2017 notification and 2021 office memorandum would remain unaffected by the said judgement. In the present case the Environmental Clearance was granted on 19.02.2025, before the date of the Vanashakti judgement dated 16.05.2025, and thus was protected by the exception. The relevant Para 36 (c) is reproduced as unders:-

36. Hence, we pass the following order:

a) ...;

b) ...;

c) We clarify that the ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

C. The present appeal is hopelessly barred by limitation. Under Section 16 of the National Green Tribunal Act, 2010 (“NGT Act”), an appeal against the grant of environmental clearance must be filed within 30 days, extendable by a further 60 days upon showing sufficient cause. In this case, the impugned environmental clearance was granted on 19.02.2025, and the prescribed 30-day limitation period expired on 21.03.2025, with the outer limit of 90 days expiring on 20.05.2025. The appeal, however, was filed on 08.05.2025, which is 48 days after the expiry of the initial 30-day period without showing any sufficient cause or the day to day justification to such delay. The Appellant has failed to demonstrate any sufficient cause for the delay, as required under the proviso to Section 16 of the NGT Act read with Section 5 of the Limitation Act, 1963. The Appellant, who claims to be a “responsible and environmentally conscious citizen,” is expected to be aware that such documents are publicly available and was, in fact, actively tracking the

clearance process. This is evident from complaints filed by the Appellant on 29.12.2024, 03.02.2025, and 04.02.2025, clearly indicating that the Appellant was closely following the ongoing developments of the project before the filing of the present appeal. The explanation for the delay is vague, unsubstantiated, and does not meet the legal threshold of “sufficient cause,” which must be shown for each day of delay. In light of the above, the appeal is liable to be dismissed as being barred by limitation. It is also submitted that the explanation as stated by the appellant for the delay in filing the appeal is vague and unsubstantiated and does not constitute “sufficient cause” under Section 16 of the NGT Act read with Section 5 of the limitation act, 1963. Furthermore, it is settled law that sufficient cause must be shown for each delay which the appellant has failed to do so.

D. It is respectfully submitted that the Appellant has no locus standi to maintain the present appeal against the grant of environmental clearance, having failed to establish his status as a “person aggrieved” under Section 16 of the National Green Tribunal Act, 2010, which is a *sine qua non* for invoking the appellate jurisdiction of this Hon’ble Tribunal. The Appellant has not brought any material on record to demonstrate that the environmental clearance dated 19.02.2025 has resulted in, or is likely to result in, any environmental harm, degradation, pollution, or damage attributable to the construction activities undertaken by the Respondent. Further, the Appellant has not pleaded or established any direct, specific, or particularized injury either to himself or to the general public that would qualify him as an “aggrieved person” within the meaning of the Act. In the circumstances, the present appeal appears to be malafide, a motivated attempt to

obstruct and harass the Respondent's lawfully approved project, which has received environmental clearance after due compliance with the EIA Notification, 2006 and the provisions of the Environment (Protection) Act, 1986.

E. It is respectfully submitted that the Answering Respondent had submitted its application for Terms of Reference (ToR) on 23.02.2024 to the Member Secretary, State Level Expert Appraisal Committee (SEAC), which was duly considered and approved on 21.03.2024, subject to certain conditions. The Answering Respondent has complied with each of these conditions in letter and spirit. The project in question has been undertaken strictly in accordance with the provisions of the EIA Notification, 2006, including all applicable amendments and guidelines issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC). Before initiating any construction or preparatory activity, all necessary applications for environmental clearance, including Form 1 and Supplementary Form 1A, were submitted in the prescribed format. In compliance with the ToR, a detailed Environmental Impact Assessment (EIA) Report was prepared, incorporating comprehensive baseline environmental data, risk assessments, and mitigation measures.

F. It is submitted that the allegation of the alleged construction activities before the grant of the Environment Clearance is completely misconceived. As per the complaint, it alleged excavation, JCB activity, RCC works, and the laying of roads and footpaths, however, as per the inspection report dated 03.01.2025, it does not corroborate such allegations and only records the presence of two structures at the site. The answering Respondent has consistently maintained that

the activities undertaken at the site were limited to temporary enabling arrangements, access improvements, and the maintenance or regularisation of pre-existing facilities. Even as per the circulars dated 07.07.2021 and 29.03.2022 issued by the MoEF &CC clearly states that minor enabling activities such as erection of temporary sheds or prefabricated structure for site offices may be undertaken without it constituting an offence under the EIA notification. The actions undertaken by the answering Respondent fall squarely within this permissive domain, and were in fact voluntarily disclosed to the regulatory authorities The SEIAA, after due consideration of the inspection report and the Respondent's submissions, treated the matter in accordance with the said SOPs and directed payment of a monetary penalty, which was promptly complied with by the Respondent. The said course of action amounts to a regulatory closure of a minor procedural infraction, and cannot be relied upon to impugn the validity of the Environmental Clearance that was subsequently granted after full statutory appraisal.

- G. It is submitted that challenging the Environmental Clearance dated 19.02.2025 is completely unfounded as the clearance was granted after appraisal by the SEAC and SEIAA which included document scrutiny, site inspections, and consideration of the complaint and responses thereto. The SEIAA, after satisfaction that all statutory requirements were met and all objections addressed, recorded its decision to grant EC. The Appellant seeks to substitute his own assessment for that of the expert authorities, which is impermissible in law.

H. It is respectfully submitted that the present Appeal is devoid of material particulars inasmuch as the Appellant has not pleaded, much less demonstrated, how the alleged pre-clearance activities are causing any adverse impact on the environment. The entire challenge proceeds on bare allegations of excavation, RCC works and ancillary activities, without any technical data, expert report, or cogent material to establish that such activities have resulted in environmental degradation. Mere assertions cannot displace the detailed appraisal conducted by the statutory expert bodies, namely SEAC and SEIAA, which, after conducting multi-stage scrutiny, site inspection, imposition of penalty for minor enabling works, and consideration of all objections, granted Environmental Clearance dated 19.02.2025. It is a settled principle that an Environmental Clearance, once granted after following the prescribed statutory procedure, cannot be set aside on the basis of conjecture or unsubstantiated complaints. In the absence of such pleading or proof, the Appeal amounts to a speculative challenge intended to obstruct a lawfully sanctioned development, and is therefore liable to be dismissed at the threshold.

I. It is respectfully submitted that the reliance placed by the Appellant on the judgment of the Hon'ble Supreme Court in *Goel Ganga Developers v. Union of India*, (2018) 18 SCC 257, is entirely misplaced. The ratio of *Goel Ganga* is confined to cases of large-scale, substantive construction carried out in open defiance of the statutory mandate of the EIA Notification, 2006, where entire residential towers had been erected and flats sold without securing prior Environmental Clearance. In that factual backdrop, the Hon'ble Court deprecated

attempts at post-facto regularisation and imposed exemplary environmental compensation. The facts of the present case stand on a completely different footing. The contemporaneous inspection report records only the presence of a prefabricated temporary site office and a brick-mortar structure that pre-dated the Respondent's involvement with the land (2013). The prefabricated office falls squarely within the category of enabling works expressly recognised as permissible by the MoEF&CC SOPs dated 07.07.2021 and 29.03.2022, while the brick structure is a pre-existing facility that does not constitute project construction. The Respondent voluntarily disclosed these facts, and the SEIAA, upon scrutiny, treated the matter in accordance with the SOPs, imposed a proportionate monetary penalty of ₹10,00,000/–, and regularized the matter and granted Environmental Clearance on 19.02.2025 after full statutory appraisal. Thus, unlike *Goel Ganga*, the present case involves neither concealment nor unauthorised large-scale construction. The regulatory authorities themselves have regularised minor enabling activities under the applicable SOPs, and the Environmental Clearance has been granted after compliance with all statutory safeguards. The Appellant's reliance on *Goel Ganga* is therefore misconceived and cannot advance their case.

- J. That the brief facts of the present case is as follows:
- a. That the project of the answering respondent pertains to a Mix Land Use Development (87% residential and 13% commercial components) to be constructed over land parcel measuring approximately 44,879.79 square metres with a total proposed built-up area of approximately 2,59,000 sq. m.

located in Sector 104, Gurugram, Haryana. The answering Respondent was granted License No. 199 of 2023 dated 05.10.2023 for 7.8031 acres and License No. 15 of 2024 dated 29.01.2024 for 3.287 acres under the Transit Oriented Development Policy (“TOD”).

- b. Under the Environment Impact Assessment Notification, 2006 (“EIA”) the project squarely falls within Category B1, Item 8(b) (i.e., ‘Townships and Area Development Projects’), necessitating prior Environmental Clearance (EC) from the State Level Environment Impact Assessment Authority (SEIAA), Haryana, upon appraisal and recommendation by the State Expert Appraisal Committee (SEAC) constituted under the said Notification.
- c. In compliance of the mandated procedure, the answering Respondent submitted an application for Terms of Reference (“ToR”) to the Member Secretary, SEAC on 23.02.2024 bearing reference no. SIA/HR/INFRA2/464481/2024 which comprised of FORM I, IA, the conceptual plan and other annexures. The Form I disclosure (filed on 01.03.2024) expressly recorded that the project site lies in a residential zone as per the Master Plan and no civil construction relating to the proposed residential or commercial components had been commenced. It is clarified that the said submission by the answering respondent was made in respect of the proposed residential and commercial development i.e. that no civil construction relating to the project components had been commenced. It was not intended to deny the existence of the temporary office site or pre-existing

ancillary structures which did not constitute “project construction” within the meaning of the EIA Notification. Thus, there was no concealment or misrepresentation made by the Answering Respondent in the said form. Furthermore, in the said application, the answering respondent also stated that it proposes to use 6 DG sets (Capacity 3 x 2,000 kVA + 1 x 1,010 kVA + 1 x 1,250 kVA + 1 x 500 kVA) as backup power supply during power failure and ultra-low Sulphur diesel will be used as fuel for the same.

- d. That the SEAC, after considering the representations made by the answering respondent granted the ToR on 21.03.2024 wherein requisite conditions were prescribed such as rigorous baseline environmental studies, impact prediction and assessment, risk analysis and prepared a comprehensive Environmental Impact Assessment Report and Environmental Management Plan which the answering respondent duly complied with.
- e. Following the completion of the ToR conditions, the Respondent submitted the Environmental Clearance proposal on 23.10.2024 bearing proposal no SIA/HR/INFRA2/504200/2024 for grant of Environment clearance under 8(b) of “building and construction projects” as Form I and IA on PARIVESH Portal.
- f. The said project was then put before the SEAC in its 304th Meeting on 13.11.2024, wherein it was discussed and the committee was of the unanimous view that the case of answering respondent be recommended to the SEIAA for grant of Environmental clearance under the EIA Notification issued by the Ministry of Environment and forest, Government of India.

- g. It is pertinent to mention herein that on 29.12.2024, a complaint was received by SEIAA sent by one Mr. Ashok Parmar resident of H. No. 45, Street No. 11, Ashok Vihar, Phase-III, Gurugram alleging that construction has commenced at the construction site prior to the grant of the Environmental Clearance and alleged of RCC works, laying of internal roads and footpaths etc. Thereafter on 30.12.2024, the SEIAA took cognizance of the complaint and directed the Member Secretary SEIAA, Haryana to visit the site and submit its inspection report. Pursuant thereto, the Regional Officer, Gurugram (N) of Haryana State Pollution Control Board (“HSPCB”) on 02.01.2025 inspected the site at the instruction of the Member Secretary, SEIAA Haryana and filed its inspection report on 03.01.2025 wherein the presence of 2 offices were recorded i.e. Part A- a prefabricated site office approximately 1000 sq. meters with an approach road laid out in interlocking tiles leading from the gate and Part B- a brick and mortar office structure, however, the answering respondent informed the Regional Officer that the said structure i.e. Part B existed on the said land since 2013 before the answering respondent entered into a Joint Development Agreement and provided Google Image dated April 2013 showing the presence of the said structure.
- h. That on 28.01.2025, the SEIAA held its 195th meeting wherein after considering the inspection report dated 03.01.2025 held that under the Office Memorandum dated 28.07.2022 issued by the MoEF & CC bearing Memorandum No. IA3-22/30/2022-IA. III (182415) imposed a penalty of Rs.

10,00,000/- on the answering respondent and granted the environmental clearance to the answering respondent along with other conditions such as installation of the DG sets as per the latest guidelines of GRAP, NCAP & CPCB. On 31.01.2025, the answering respondent duly complied with the directions of the SEIAA and deposited the penalty amount.

- i. That having satisfied themselves, the SEIAA proceeded to grant the Environmental Clearance (“EC”) on 19.02.2025 under Category 8(b) of the EIA Notification, 2006. In addition to the EC, the Answering Respondent has secured all other requisite statutory approval such as the Occupancy Certificate for the temporary site office dated 25.04.2025 and the Consent to Establish (CTE) granted by the HSPCB on 28.03.2025 under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- j. That in view of the abovementioned facts and circumstances it is submitted that the answering respondent has acted in conformity with the statutory provisions and has not made any misrepresentation of any fact that no civil construction of the project’s residential or commercial components was commenced prior to grant of EC, and that the only site facilities noted were either pre-existing or of a temporary enabling nature and were regularised and/or permitted in the statutory process. The grant of EC on 19.02.2025 is therefore the culmination of a comprehensive, transparent and procedurally

robust appraisal, and the allegations raised by the Appellant are contrary to the record.

PARAWISE REPLY TO THE PETITION:

1. That the contents of paragraph no. I & II of the appeal need no reply.
2. That the contents of paragraph no. III of the appeal are admitted to the extent of description of the parties and the project. It is however denied that the project has been granted the Environmental Clearance (“EC”) in blatant violation of the EIA Notification, 2006 and the precautionary principle.
3. That the contents of paragraph no. IV of the appeal are admitted to the extent that as per the EIA Notification, 2006 projects/activities listed in the schedule of the notification require prior environmental clearance for commencing the construction work. It is also admitted that the project falls under item 8(b) of “townships and area development projects” with a built up area of 2,59,012.64 sq. meters and having a total plot area of 44,879.79 sq. m. and falls under category under B1 of the schedule of EIA notification, 2006, and hence, require a prior Environment Impact Assessment Report to be submitted and information regarding the impact assessment is submitted through Form I & I-A.
4. That the contents of paragraph no. V and V (a) are false, frivolous and hence denied. It is denied that the EC granted to the said project on 19.02.2025 is bad in law. It is further denied that the project proponent started the construction activities in the proposed site before obtaining the prior Environmental Clearance,

which is in blatant violation of the EIA Notification, 2006 which mandates prior environmental clearance. It is specifically denied that such construction falls within “violations” as laid down in OM dated 07.07.2021 issued by MoEF&CC.

5. That the contents of paragraph no V(b) are false, frivolous and hence denied. It is denied that the construction activity had been initiated without obtaining a mandatory consent to establish (“CTE”) prior to commencement of the construction activity under Section 25 of Water (prevention and control of pollution) Act, 1974 and Section 21 of Air (Prevention and control of pollution) Act, 1981.
6. That the contents of paragraph no. V (c) are admitted to the extent of the contents of the approval of Respondent No. 5 (“DTCP”) bearing Memo No: DTP(G)/JE(S)/2024/855 dated 05.03.2024. The rest of the contents are denied. It is denied that the temporary sales office is not pre-fabricated but a permanent air conditioned building which is not allowed before the grant of EC.
7. That the contents of paragraph no. VI are false, frivolous and hence denied. It is denied that the SEIAA and SEAC have granted the EC in routine and mechanical manner without scrutiny of the Form-I & KML without application of mind. It is further denied that the project proponent has obtained the requisite permission by suppressing and withholding material facts.
8. That the contents of paragraph no. VII need no reply as they are a matter of record. It is however, denied that it is a prudent case of violations of EIA notification 2006.

9. That the contents of paragraph no. VIII are false, frivolous and hence denied. It is denied that the air quality information submitted by the Project Proponent on the PARIVESH portal for appraisal is inadequate because the air quality parameters of PM10 and PM2.5 was studied only for the period of 1st Nov 2023 to 29th Jan 2024. It is further denied that in the city of Gurugram, the entire period from Oct-Feb i.e. winter season must be considered to understand the proposed impact of the project in the city of Gurugram and SEIA and SEAC ought to have scrutinized this aspect more.
10. That the contents of paragraph no. VIII (a) are admitted to the extent that the project proposed setting up 6 DG sets with a capacity of total power 6250 kVA. The rest of the contents are denied. It is denied that SEIAA and SEAC has, without any detailed scrutiny of this aspect and without applying its mind, allowed setting up of backup power generation by use of Diesel Generator sets. It is also denied that it will not only contribute to high level of pollution but also violation of the requirement about use of gas based Diesel Generators power back as provided in NCAP and CAAQMS.
11. That the contents of paragraph no. VIII (b) are false, frivolous and hence denied. It is denied that the EIA report failed to check with project proponent about the DG sets working during the construction phase and any temporary connection required from the electricity board. It is specifically denied that the inquiry by the Appellant revealed that vide Complaint dated 29.12.2024, SEIAA Haryana was informed about the ongoing construction and operation of DG sets without any

NOC prior to the EC and CTE. It is also denied that SEIAA Haryana has chosen to grant EC by closing its eyes.

12. That the contents of paragraph no. VIII (c) are admitted to the extent that the project proponent in its EIA Report submitted the Geotechnical investigation report stating that rain water harvesting was not feasible and proposed to construct 3 number of basements at the project site. The rest of the contents are denied. It is denied that it is not feasible to construct 3 basements for total 2210 car parkings without disturbing the ground water table.

13. That the contents of paragraph no. VIII (d) are false, frivolous and hence denied. It is denied that the dimensions of the basement are not revealed in the entire documents submitted by the project proponent. It is further denied that there is a strong likelihood that the proposed basements will intersect with the groundwater table of which no study had been undertaken before grant of impugned EC.

14. That the contents of paragraph no. VIII (e) are false, frivolous and hence denied. It is denied that the baseline data recorded for groundwater and air is very generic in nature and fails to look into crucial environmental issues like groundwater depth, impact of diesel generators on pollution etc.

15. That the contents of paragraph no. VIII (f) are false, frivolous and hence denied. It is denied that the conditions stipulated in the environmental clearance are vague and not specific in nature.

- 16.** That the contents of paragraph no 1 are false, frivolous and hence denied. It is denied that the inquiry by the appellant has revealed that all concerned authorities including Secretary MoEFCC, Member Secretary SEIAA Haryana, Member Secretary Pollution control board Haryana and regional office north Gurugram Haryana were informed about the violations being done by project proponent. It is also denied that no action was taken against the project proponent and the project was granted EC.
- 17.** That the contents of paragraph no. 2 are a matter of record.
- 18.** That the contents of paragraph no. 3 are admitted to the extent of the present appeal being filed under Section 16(h) of the National Green Tribunal Act, 2010 challenging the Environment Clearance dated 19.02.2025. The rest of the contents are denied. It is denied that the environment clearance is bad in law and was granted without proper application of mind by SEIAA Haryana and if allowed will cause great prejudice to the environment, wildlife and the surrounding environment.
- 19.** That the contents of paragraph no. 4 are admitted to the extent of the grant of environment clearance dated 19.02.2025 by SEIAA, Haryana for the development of Mix land use project (87% Group Housing and 13% Commercial), its location, description and that it falls under category B1, schedule 8(b) "Townships and Area Development Project" of the EIA Notification, 2006. The rest of the contents are denied.
- 20.** That the contents of paragraph no. 5 need no reply.

21. That the contents of paragraph no. 6 need no reply.
22. That the contents of paragraph no. 7 need no reply.
23. That the contents of paragraph no. 8 are false, frivolous and hence denied. It is denied that the inquiry of the appellant has revealed that even before and during the period when deliberations on the proposed project was undergoing before the Expert Appraisal Committee, the construction had started at the project site.
24. That the contents of paragraph no. 9 are admitted to the extent of the complaint dated 29.12.2024 made to Member Secretary SEIAA Harayana and Haryana State Pollution Control Board. The rest of the contents are denied.
25. That the contents of paragraph no. 10 are a matter of record.
26. That the contents of paragraph no. 11 need no reply.
27. That the contents of paragraph no 12 need no reply. However it is denied that denied that the officers of the board have not complied with HSPCB Consent Procedure Policy dated 04.12.2020.
28. That the contents of paragraph no 13 are admitted to the extent of the contents of the 195th Meeting of the State Environment Impact Assessment Authority, Haryana held on 28.01.2025 whose meetings were published on 15.02.2025 and that the Hon'ble Supreme Court vide order dated 02.01.2024 in W.P(C) No. 1394/2023 titled as "Vanashakti Vs. Union of India" stayed the operation of the SOP dated 07.07.2021. The rest of the contents are denied. It is denied that the authority has completely avoided his parent organization notification/instruction

as well as the directions issued by Hon'ble Supreme Court of India. It is also denied that the Respondent No. 2 even after the knowledge that M/s Hero Realty Pvt. Ltd. had violated EIA Notification, 2006 and started construction activities at the project site granted which makes it seem that the Members of the Authority have turned a blind eye to the violations by Respondent No. 6 and granted "ex-post facto approval" by imposing penalty in blatant disregard of the letter and spirit of EIA Notification, 2006 and direction of Hon'ble Supreme Court.

29. That the contents of paragraph no. 13 (b) are false, frivolous and hence denied. It is denied that the question raises here that even after stay on SOP dated 07.07.2021 by the Hon'ble Supreme Court of India. It is further denied that the SEIAA, Haryana is considering violation cases and imposing penalty from its own wishes without any direction and specific formula and has avoided the directions of the Hon'ble Supreme Court of India and granted Environmental Clearance to the violations projects despite clear communication of the same by the Ministry of Environment Forest and Climate Change vide OM No. F. No. IA-3/4/2024-IA.III [E 230791] dated 08.01.2024. It is further denied that the report mentioned above was incorrect and biased toward the project proponent as substantiated by the Appellant in subsequent paragraphs. The contents of the preliminary submissions are being reiterated herein and not being repeated for the sake of brevity.

30. That the contents of paragraph no. 14 need no reply as it does not concern the answering respondent. It is however denied that the temporary sales office is not

pre fabricated but a permanent air conditioned building which is not allowed before the grant of EC.

31. That the contents of paragraph no. 15 is admitted to the extent of the contents of the EIA Notification, 2006. The rest of the contents are denied.
32. That the contents of paragraph no. 16 are matter of record and need no reply.
33. That the contents of paragraph no. 17 are false, frivolous and hence denied. It is denied that the activities which can be undertaken to secure the land prior to the grant of environmental clearance is clarified by the OM dated 29.03.2022 issued by the MoEFCC. It is also denied that the OM clarifies that while securing the land, no activity relating to any project covered under the EIA Notification, 2006 including civil construction can be undertaken at the site without prior EC except fencing of the site to protect it from getting encroached and construction of the temporary sheds for guards.
34. That the contents of paragraph no. 18 need no reply.
35. That the contents of paragraph no. 19 are admitted to the extent of the contents of OM dated 07.07.2021. The rest of the contents are denied.
36. That the contents of paragraph no. 20 need no reply.
37. That the contents of paragraph no. 21 need no reply.
38. That the contents of paragraph no. 22 are admitted to the extent that the Hon'ble Supreme Court in WP (C) No. 1394/2023 titled "Vanashakti Vs. Union of India"

stayed the operation of the SOP dated 07.07.2021. However as stated in the preliminary submissions the said judgement now stands withdrawn. The rest of the contents are denied. It is denied that SEIAA, Haryana by granting EC to the project granted ex post facto clearance. It is further denied that the SEIAA, Haryana randomly imposed a penalty of Rs. 10,00,000/- on the project and has set a wrong precedent which is lethal for the environment.

39. That the contents of paragraph no. 23 are false, frivolous and hence denied. It is denied that inquiries by the Appellant has revealed that all the concerned authorities had already been notified about the illegal, unauthorized construction being undertaken at the project site without obtaining prior environmental clearance as required. It is also denied that the minutes of 195th meeting of SEIAA, Haryana itself notes that after coming into the knowledge about the violation of the EIA Notification, 2006 by Respondent No.6, it decided to impose a penalty of Rs. 10 Lakhs, without adopting any formula, which is peanuts compared to the loss that might occasion to the environment by construction of the project without conducting any EC. It is also denied that SEIAA Haryana ignored these objections filed by appellant against the report of RO HSPCB dated 03.01.2025 and granted the EC to the Project Proponent which seems that members of the authority had turned a blind eye to the violations and willingly violated the direction of the Hon'ble Supreme Court of India regarding approving the violation cases by imposing penalty without adopting any formulas. It is also denied that a false report dated 03.10.2025 had been submitted for site inspection which had been completely overlooked permanent construction which is not

permissible in light of EIA Notification,2006 and the OM dated 29.03.2022. It is denied that in view of this Environmental Clearance granted is bad in law as it has not been appraised as required under the OM dated 07.07.2021 and 29.03.2022. The contents of the preliminary submissions are being reiterated herein and not being repeated for the sake of brevity.

40. That the contents of paragraph no. 24 (i) are false, frivolous and hence denied. It is denied that the construction activity has been initiated while it was pending for EC Grant.

41. That the contents of paragraph no. 24 (ii) are a matter of record.

42. That the contents of paragraph no. 24 (iii) are a matter of record.

43. That the contents of paragraph no. 25 are admitted to the extent of the contents of EIA Notification, 2006. The rest of the contents are denied. It is denied that the appraisal committee have blindly approved the project in question and no detailed discussion of deliberation on the project was done by them. It is denied that the SEAC and SEIAA failed to verify the air quality data criteria as required under the EIA Guidance manual for building, construction, township, and area development projects.

44. That the contents of paragraph no. 26 need no reply.

45. That the contents of paragraph no. 27 need no reply.

46. That the contents of paragraph no. 28 are denied. It is denied that the SEIAA failed to look into the aspect of the impact caused by the project on the city of Gurugram.
47. That the contents of paragraph no. 29 (a) are false, frivolous and hence denied. It is denied that the SEIAA has incorrectly allowed for DG sets to be operational. The rest of the contents need no reply.
48. That the contents of paragraph no. 29(b) are false, frivolous and hence denied. It is denied that the SEIAA without considering the pollution levels in Gururgram has allowed the installation of Diesel generators of total capacity of 6250 kVA to be installed in the project site without mandating or suggesting requirements of any alternate fuel use or adhering to the latest requirements of Diesel Generators sets issued by CPCB, NCAP etc. to control the emission from usage of diesel generators.
49. That the contents of paragraph no. 29 (c) need no reply.
50. That the contents of paragraph no. 30 need no reply.
51. That the contents of paragraph no. 31 are admitted to the extent of the NCAP mandate. The rest of the contents are denied.
52. That the contents of paragraph no. 32 are admitted to the extent of the contents of CAAQMS direction no. 73 dated 02.06.2023. The rest of the contents are denied.
53. That the contents of paragraph no. 33 need no reply.

- 54.** That the contents of paragraph no. 34 are false, frivolous and hence denied. It is denied that the SEIAA and SEAC failed to carry out detailed scrutiny on the aspects of groundwater table & three proposed basements in the project site. It is denied that there is a possibility that the proposed basements will intersect with the groundwater table.
- 55.** That the contents of paragraph no. 35 are false, frivolous and hence denied. It is denied that the conditions stipulated in the environmental clearance are vague and not specific in nature. It is denied that the environmental conditions stipulated are very general and are not specific in nature which will result in varied interpretation of the conditions stipulated in the EC. It is further denied that the EC condition vaguely mentions that the emission from Diesel Generator shall be dispersed through adequate stack height, usage of low Sulphur diesel.
- 56.** That the contents of paragraph no. 36 are false, frivolous and hence denied. It is denied that the information submitted by the project proponent is inadequate. It is also denied that the Form IA submitted by the project proponent shows that it is very generic in nature and fails to provide information about the groundwater depth and dimensions of the three proposed basements, the intersection of the same with the ground water aquifers etc.
- 57.** That the contents paragraph no. 37 are admitted to the extent of the details of air quality data undertaken. The rest of the contents are denied.
- 58.** That the contents of paragraph no. 38 need no reply.

PARA-WISE REPLY TO GROUNDS:

- A.** That the contents of paragraph no. A is false, frivolous and hence denied. It is denied that the Environment Clearance dated 19.02.2025 is bad in law and was granted without proper application of mind by the Appraisal committee and if allowed will cause great prejudice to the environment, wildlife and surrounding environment.
- B.** That the contents of paragraph no. B is false, frivolous and hence denied. It is denied that the appraisal committee failed to scrutinize the fact that the project proponent has started the construction activities on the project site before obtaining the Environmental Clearance and thereafter granted the EC.
- C.** That the contents of paragraph no. C are false, frivolous and hence denied. It is denied that the no action has been taken against the project proponent.
- D.** That the contents of paragraph no. D are false, frivolous and hence denied. It is denied that the nature of the construction undertaken in the project site is not permissible before the obtaining prior environmental clearance. It is further denied that the OM dated 29.03.2022 issued clarifies that while securing the land, no activity relating to any project covered under the EIA Notification, 2006 including civil construction can be undertaken at the site without prior EX except fencing of the site to protect it from getting encroached and construction of temporary shed(s).
- E.** That the contents of paragraph no. E are admitted to the extent of the grant of CTE on 28.03.2025. The rest of the contents are denied.

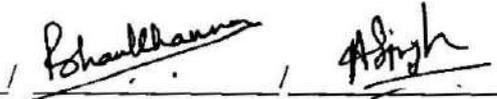
- F.** That the contents of paragraph no. F are denied in toto.
- G.** That the contents of paragraph no. G need no reply.
- H.** That the contents of paragraph no. H need no reply.
- I.** That the contents of paragraph no. I need no reply.
- J.** That the contents of paragraph no. J are false, frivolous and hence denied. It is denied that the SEIAA, Haryana randomly imposed an insignificant penalty of Rs. 10 Lakhs which fades into oblivion given the project cost. It is also denied that the principle as laid down by the Hon'ble Supreme Court in Goel Ganag's case should be invoked on the project cost i.e. 10% of the project cost or Rs. 100 Crores whichever is more.
- K.** That the contents of paragraph no. K are denied. It is denied that the photographs and videos sent along with the complaint and objections along with the DTCP letter make its abundantly clear that the construction has already started before the grant of EC.
- L.** That the contents of paragraph no. L,M and N need no reply as the same is not applicable to the present case.
- M.** That the contents of paragraph no. P are denied. It is denied that construction activity require a consent to establish prior to commencement of the construction

activity under Section 25 of the Water (Prevention and Control of Pollution), Act 1974 and Section 21 of Air (Prevention and Control of Pollution) Act, 1981.

- N.** That the contents of paragraph no. Q are false, frivolous and hence denied. It is denied that the SEIAA and SEAC have not conducted a detailed scrutiny of the proposal required under para 7 (i)(iv) of the EIA notification.
- O.** That the contents of paragraph no. R are false, frivolous and hence denied. It is denied that the SEIAA and SEAC failed to scrutinize the proposed diesel generators proposed to be installed in the severely polluted city of Gurugram which will result in contributing of the exiting pollution levels. It is also denied that the SEIAA and SEAC during the deliberations did not look into the mandate under the NCAP and CAAQMS.
- P.** That the contents of paragraph no. S are admitted to the extent of the report of the air quality data submitted by the project proponent. The rest of the contents are denied. It is denied that by only showing reports from 3 months and not the entire period of winter seasons, there is an incomplete report on the air quality data of proposed site in Gurugram.
- Q.** That the contents of paragraph no. T are false, frivolous and hence denied. It is denied that the aspect of depth of groundwater level was not looked at the present matter by the SEIAA or SEAC. IT is also denied that there is a possibility that the proposed basements will intersect with the groundwater table.

- R. That the paragraph for limitation is false, frivolous and hence denied. It is denied that the appellant came to know of the grant of EC on 10.04.2025. The Appeal is barred by limitation.
- S. That the answering respondent no. 6 further submit that the directions/orders passed by the concerned authorities have taken into consideration all environmental aspects, compliance with statutory norms, and public interest.
- T. That in view of the above submissions, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the appeal filed by the Appellant with costs.

Through
Counsel for the Respondent No. 6



Rakesh Khanna /Rohan Khanna/Arvind Singh Yadav
(D/523-A/82) / (D/5532/2020) / (D/10378/2023)

Advocates

R. K. Law Offices

1 088/B1, Vasant Kunj, New Delhi-110070.

Date: 24.11.2025

Email: rkhanna@rklawoffices.co.in

Place: New Delhi

Mobile No. 9811015620, 9718955414

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI**

APPEAL NO. 37 OF 2025

IN THE MATTER OF:

ASHOK KUMAR

...APPLICANT

VERSUS

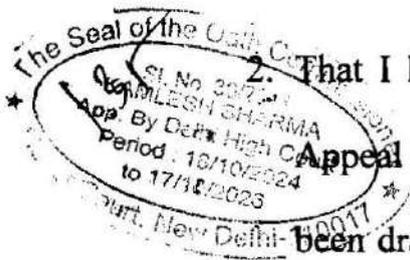
STATE OF HARYANA AND ORS.

...RESPONDENTS

AFFIDAVIT

I, Ravi Prakash, aged about 44 years, S/o Sh. Mohan Lal, authorized representative of Hero Realty Private Limited, having its registered office at 264, Okhla Industrial Estate, Phase – III, New Delhi authorised vide Board Resolution dated 24.03.2025, do hereby solemnly affirm and state as under:-

1. That I am the authorized representative of the Respondent No. 6 duly authorized vide Board Resolution dated 24.03.2025 and am aware of the facts and circumstances of the present case and am competent to affirm the present affidavit.



2. That I have fully read and understood the contents of the reply to the Appeal filed of the National Green Tribunal Act, 2010, and the same have been drafted under my instructions. The contents of the reply to the said Appeal are true to my knowledge and derived from the records of the Respondent No.6.

(Handwritten Signature)

[Signature]
Deponent

VERIFICATION

16 SEP 2025

Verified at Delhi on this ____ day of September, 2025 at _____ that the contents of the affidavit are true and correct to my knowledge and no part of it is false.

[Signature]
Deponent

Abish
I identify the Execut[ion]/depon[ent] who has signed/Put T.I in my Presence



CERTIFIED THAT THE DEPONENT
Shri/Smt./K.M. *Ravi Prakash*
S/o, W/o, B/s *Arvind Singh Yadav*
Identified *Arvind Singh Yadav*
has seen *Arvind Singh Yadav*
Delhi *Arvind Singh Yadav*
that the contents *Arvind Singh Yadav*
have been *Arvind Singh Yadav*
true and correct to his knowledge

Oath Commissioner, Delhi
Kamlesh Sharma
New Delhi

16 SEP 2025

Proof of Service**Arvind**

From: Arvind <arvind@rkloffices.co.in>
Sent: Monday, November 24, 2025 6:09 PM
To: chambersofshashankrai@gmail.com
Subject: Reply on behalf of the Respondent No. 6 to Memorandum of Appeal in Appeal No. 37 OF 2025 titled "Ashok Kumar Versus State of Haryana & Ors."
Attachments: Reply on behalf of R-6.pdf

Respected Sir,

Kindly find attached the Reply on behalf of respondent no. 6 to Memorandum of Appeal in Appeal No. 37 OF 2025 titled "Ashok Kumar Versus State of Haryana & Ors."

Kindly consider this as a service.

Regards,

Arvind Singh Yadav

Associate



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Advocate & Solicitors
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New Delhi- 110070 India
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