

**BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL  
BENCH) AT NEW DELHI**

**I.A. NO. 122 of 2026**

**IN**

**O.A. No. 341 of 2024**

**In the Matter of:**

Dr. Pawan Kumar Banta

...Applicant

Versus

State of Himachal Pradesh and others

...Respondents

**INDEX**

<b>S. No.</b>	<b>PARTICULARS</b>	<b>Pg. No(s).</b>
1	Reply on behalf of the Respondent No. 7 to the Impleadment Application No. 122 of 2026 by the Applicants in the Original Application No. 341 of 2024.	2-13
2	Proof of Service	14

Date: 28.03.2026

*Aupta*

**RESPONDENT NO. 7**

THROUGH

**ADVOCATE**

Ms. Mehaak Jaggi  
D-808 Ground Floor,  
New Friends Colony,  
New Delhi- 110065  
mehaakjaggi@gmail.com  
+91- 9811250312

BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL  
BENCH) AT NEW DELHI

I.A. NO. 122 of 2026

IN

O.A. No. 341 of 2024

In the Matter of:

Dr. Pawan Kumar Banta

...Applicant

Versus

State of Himachal Pradesh and others

...Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 7 (M/S.  
NIRVANA WOODS & HOTELS PVT. LTD.) TO THE  
IMPLEADMENT APPLICATION NO. 122 OF 2026 FILED ON  
BEHALF OF THE APPLICANTS IN THE ORIGINAL  
APPLICATION NO. 341 OF 2024**

**MOST RESPECTFULLY SHOWETH:**

1. That the present reply to the Interlocutory Application No. 122 of 2026 for Impleadment is being filed on behalf of the Respondent No. 7 i.e. M/s. Nirvana Woods & Hotels Pvt. Ltd., through its Director Shri Tushar Gupta, who has been authorised vide Resolution dated 25.08.2025, a copy of which has already been filed along with the Respondent No.7's reply to the Original Application.
2. That, at the outset, it is submitted that the present Application seeking impleadment is misconceived, devoid of merit, totally time barred as the Application for impleadment has been filed after two years and not maintainable either in law or on facts. The Applicants in their impleadment application have failed to demonstrate any

**ATTESTED**

**NOTARY PUBLIC  
SHIMLA H.P. INDIA**

direct, substantial, or legally enforceable interest in the subject matter of the present Original Application or how they are affected.

**PRELIMINARY OBJECTIONS:**

1. That the Applicants lack the necessary locus standi to be impleaded in the present proceedings as they are neither a necessary nor a proper party to the present proceedings. There is nothing that has been placed on record by the Applicants to indicate how they are impacted or aggrieved in the present lis and as such and they seem to be mere busybodies who are wholly unconnected to the present proceedings. It is a settled position of law that only such individuals whose presence is necessary for the effective and complete adjudication of the dispute ought to be impleaded and the applicants at the present instance have failed to establish any such necessity. The cases of Uttar Pradesh v. Uday Education and Welfare Trust [2022 SCC OnLine 1469], Anand Kumar Jha v. Union of India & Ors. [I.A. No. 78/2021/EZ in Appeal No. 05/2021/EZ], Rana Sengupta v. Union of India [2013 SCC OnLine NGT 31] as well as the case of Ankur v. Maharashtra SEIAA & Ors. [2012 SCC OnLine NGT 53] are relied upon to drive home the above submissions.
2. That moreover, the Applicant does not come within the definition of Section 18 of the NGT Act, 2010 that permits only “any person aggrieved” to approach this Hon’ble Tribunal. The averments made in the impleadment Application do not disclose any direct or substantial interest of the Applicants that may be affected by the outcome of the present matter. A general interest in an environmental

**ATTESTED**

**NOTARY PUBLIC**  
SHIMLA H.P. INDIA

issue, as averred by the applicants, does not confer a right to be impleaded after a period of two years that have lapsed in a lis.

3. That, as stated earlier, the present Application has been filed at a belated stage after almost two years with the sole intention of delaying the present proceedings. This Hon'ble Tribunal, at several instances, has consistently discouraged such attempts which hinder the expeditious disposal of environmental matters. Further, no effective assistance would be provided by the Applicants as they have failed to raise any justifiable cause and claim in their impleadment Application. Furthermore, the Hon'ble Supreme Court has time and again taken a very stern view of unconnected third parties who step in at the last moment to "hijack" proceedings, in which regard reliance is placed on the case of Janata Dal v. H.S. Chowdhary [(1992) 4 SCC 305].
4. That since the Applicants have failed to satisfy their locus or justifiable claim in their impleadment application, the impleadment application is liable to be rejected. Furthermore, the issues raised in the Original Application are already being adequately represented and addressed by the existing parties and the case is likely to be finally heard and decided; hence, no prejudice shall be caused to the applicants if their impleadment is declined by this Hon'ble Court as they have slept over their rights, if any, which also has not been demonstrated by them. In contrast, it is pertinent to submit that the answering Respondent has been subjected to huge financial distress owing to pendency of the present proceedings and any further delay due to such tactics would result in "death by delay".

**ATTESTED**  
  
**NOTARY PUBLIC**  
SHIMLA H.P. INDIA

**PRELIMINARY SUBMISSIONS:**

1. That at the outset it is submitted that all the allegations raised by the Applicants in their impleadment Application under reply against M/s Nirvana Woods (hereinafter, the 'answering Respondent') are vehemently denied in toto for being false, frivolous, motivated, unsubstantiated, and untenable in the eyes of law. The Applicants have resorted to raise bald and unsubstantiated allegations against the answering respondent without any iota of proof in support of their frivolous allegations. It is submitted here that the answering Respondent is constructing a hotel on the project site after obtaining all valid permissions, clearances, and No Objections Certificates from all concerned department and authorities, copies of which have been duly filed alongwith the answering Respondent's replies to the Original Application.
  
2. That for the sake of clarity and conciseness, it is pertinent to mention here that the answering Respondent has obtained all the necessary permissions from various authorities and the map for the construction of the project which is duly approved by the Director, Town and Country Planning Department alongwith the sanction of the building plans. Requisite permissions have also been granted by Himanchal Pradesh State Electricity Board Limited ('HPSEBL'), Irrigation & Public Health ('I & PH') Department, Gram Panchayat Rajhana, DFO Shimla and Chief Fire Officer among others. The Special Area Development Authority Shoghi Special Area, has also issued NOC for electricity and water connection. Further, the answering Respondent was also granted permission to purchase land

**ATTESTED**

**NOTARY PUBLIC**  
**Shimla H.P. INDIA**

for setting up the project by the Revenue Department of the State of Himanchal Pradesh. Further, the permissions by Respondent No. 2 H.P. State Pollution Control Board were also granted. The State Level Environment Impact Assessment Authority has also granted permission. The Real Estate (Regulation) Authority has also registered the answering respondent as a builder in the State of Himanchal Pradesh. The answering Respondent is also registered as a promoter with the HP Town and Country Planning Department. The Essentiality Certificate has also been issued by the Additional Chief Secretary (TCP). The permission to transfer the project along with all the necessary permissions from the original owner to the answering respondent was also permitted by the concerned authorities. The transfer of the license in favour of the replying Respondent was also approved by the Town and Country Department. The license issued to the answering Respondent after transfer of the project was also issued. Copies of all the afore-said permissions are filed along with the answering Respondent's Replies in the original list. Hence, the answering Respondent had all the valid permissions, clearances, and No Objections Certificates from all concerned department and authorities for constructing the project in question.

3. That the answering Respondent has been unduly roped into the third round of litigation before this Hon'ble Tribunal, excluding the several other frivolous cases filed against the answering Respondent, despite having all the requisite permissions and for constructing the project in accordance with law. It is trite to mention here that prior to the present Original Application, the answering Respondent was a party before this Hon'ble Tribunal in O.A. No. 55 of 2020, titled as

**ATTESTED**

**NOTARY PUBLIC**  
SHIMLA H.P. INDIA

*'Dr. Pawan Kumar Banta vs. Union of India & Ors.'*, wherein identical grievances against the answering Respondent, which was disposed of by this Hon'ble Tribunal vide its Order dated 07.10.2020. Subsequently, another Original Application was filed before this Hon'ble Tribunal vide O.A. No. 137 of 2023, titled as *'Dr. Pawan Kumar Banta vs. Union of India & Ors.'*, again with identical grievances against the answering Respondent, which was withdrawn by the Applicant with liberty to avail appropriate remedies in accordance with law. Accordingly, the said Original Application was dismissed as withdrawn by this Hon'ble Tribunal vide its Order dated 03.03.2023. Copies of all the Orders have been filed by the answering respondent alongwith its detailed Reply to the Original Application and may be considered as a reponse to this Application. All the said cases against the answering Respondent pertaining to the project in question have been baseless. Despite this, the Applicants herein wish to be impleaded, without any justifiable cause and claim, in order to unduly prolong the proceedings, further harass the answering Respondent, and mislead this Hon'ble Tribunal.

4. That it is trite to mention here that the Original Applicant had also filed a Civil Writ Petition on similar grounds before the Hon'ble High Court of Himachal Pradesh at Shimla titled as *'Dr. Pawan Kumar Banta vs. M/s. Nirvana Woods & Hotels Pvt.Lts. & Another'*, bearing CWP No. 7993 of 2022. However, the said Writ Petition was closed by the Hon'ble High Court as being settled. Hence no dispute survives qua the impugned property. Despite this, the Applicants herein are attempting to sabotage the present proceedings by raising vague and frivolous claims in their impleadment Application, who

otherwise have no locus in the present proceedings. Accordingly, the impleadment Application is liable to be dismissed on this ground alone.

5. That, without admitting in the contrary to anything stated hereinabove, the para-wise reply by the answering Respondent to the averments/submissions made in the Application under reply is given hereinunder:

**REPLY ON MERITS:**

6. That the contents of para 1 of the Application under reply are partially a matter of record and remaining parts are denied for being unsubstantiated and vexatious. It is vehemently denied that the project proprietor has unauthorizedly carried out construction of a commercial hotel project without obtaining the requisite clearances. It is submitted here that the Applicants are only raising bald and unsubstantiated allegations in the para under reply with the sole intention of misleading this Hon'ble Tribunal and is an attempt to delay the proceedings which is a ground alone to dismiss and impose huge costs. It is further submitted here that the answering Respondent has obtained all requisite permissions, clearances, and NOCs from all concerned departments and authorities, copies of which have been duly filed alongwith the answering Respondent's pleadings to the Original Application, and accordingly the answering Respondent is constructing the property in accordance with law.

7. That the contents of para 2 of the application are vehemently denied for being frivolous. It is submitted here that the Applicants herein

**ATTESTED**

**NOTARY PUBLIC**  
Chimta H.P. INDIA

as they have not placed on record any document disclosing their cause or claim in the present proceedings or how they are aggrieved as understood for the purposes of Section 18 of the National Green Tribunal Act, 2010. From a bare perusal of the impleadment Application, it is apparent that the same is belatedly, an afterthought, and have been filed with the sole intention of misleading this Hon'ble Tribunal and delaying the present proceedings. That there is no material on record to demonstrate as to what kind of work the Applicants have done on environment what substantial question of environment they have raised at this belated stage which this Hon'ble Tribunal is not privy to in this present lis. There is no new material and only bald, generic submissions which may be summarily rejected. If at all the Applicants were concerned about any alleged ecological imbalance being caused to the Himalayan region, they would have filed requisite proofs/documents or would have filed a separate Original Application with all documents, proofs, and impleading all concerned departments and individuals. Since none of this has been done by the Applicants, their impleadment Application deserves to be rejected summarily on this ground alone.

8. That the contents of para 3 of the application under reply are denied. It is submitted here that the Applicants have not filed a separate Original Application as they lack any cause, cogent claim, or supporting material to substantiate their bald and unverified allegations.

9. That the contents of paras (a) to (k) are not responded to as long as they correspond to a matter of record and anything contrary to the

**ATTESTED**  
  
**NOTARY PUBLIC**  
 Shimla H.P. INDIA

record are denied for being vague, unsubstantiated, and frivolous. However, it is not clear as to how the Applicants have procured the details of the prior owners and the khasra numbers in dispute and the license numbers without any proof of RTI or any other mechanism to procure such data through a valid legal source. This itself shows that the Applicants have malafide intent and this Application needs to be rejected with huge costs.

10. That the contents of para 4 of the application under reply are vehemently denied for being frivolous and motivated. It is submitted that no irreparable loss shall be caused to the Applicants if their impleadment Application is dismissed by this Hon'ble Tribunal since the Applicants at the first instance have no cause or claim in the present proceedings and are neither a necessary nor a proper party for the purposes of proper adjudication of the present case. Hence, the impleadment Application under reply deserves to be dismissed with punitive cost.
11. The prayer clause of the Application under reply is also denied for being frivolous and untenable in light of the submissions and averments raised hereinabove. It is submitted here that the Applicants are not entitled to any of the reliefs as prayed for since the Applicants have no locus in the present proceedings. Further, the Applicants have only raised bald and unsubstantiated allegations against the answering respondent in order to concoct false claims and grounds in their favour, without any iota of proof in support of the same. Hence, the Applicants are not entitled to any relief as prayed for in the Application under reply.

**ATTESTED**

**NOTARY PUBLIC**  
Shimla H.P. INDIA

**PRAYER**

In light of the facts and circumstances raised hereinabove, it is, therefore, most humbly prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss the Impleadment Application in its totality along with costs in favour of the Answering Respondent; and
- ii. Pass any other relief or order that this Hon'ble Tribunal may deem fit or proper on the merits in this case and in the interest of justice.

FOR THIS ACT OF KINDNESS THE HUMBLE RESPONDENT SHALL EVER PRAY.

*Aupta*

**RESPONDENT NO. 7**

**THROUGH**

**TESTED**  
**NOTARY PUBLIC**  
**CHANDIGARH, INDIA**

**ADVOCATE**

Ms. Mehaak Jaggi  
D-808 Ground Floor,  
New Friends Colony,  
New Delhi- 110065  
mehaakjaggi@gmail.com  
+91- 9811250312

**BEFORE THE NATIONAL GREEN TRIBUNAL (PRINCIPAL  
BENCH) AT NEW DELHI**

**I.A. NO. 122 of 2026**

**IN**

**O.A. No. 341 of 2024**

Dr. Pawan Kumar Banta

...Applicant

Versus

State of Himachal Pradesh and others

...Respondents

**AFFIDAVIT**

I, Tushar Gupta, S/o Late Shri Pankaj Gupta, aged about 27 years, Director of M/s Nirvana Woods & Hotels Pvt. Ltd., having its office at Up Mohal Kiar/Rirka, Tehsil Shima (R), Himachal Pradesh, the Respondent no. 7 herein, do solemnly affirm and declare on oath as under:

1. That I am the Director & Authorised Representative of the Respondent no. 7 and am competent to depose to this Affidavit.
2. That I have gone through the accompanying Reply to the Impleadment Application, which has been drafted under my instructions and the contents of the same are not being repeated herein for the sake of brevity but the same may be read as part of this affidavit.
3. That the factual averments in the accompanying Reply are true to the best of my knowledge and based on the records of the Respondent

**ATTESTED**

**NOTARY PUBLIC**  
Shimla H.P. INDIA

no. 7, while the legal submissions made therein are based on the legal advice received and believed by me to be correct.

*Gupta*

DEPONENT

**VERIFICATION:**

I, Tushar Gupta, the Deponent, do hereby verify that the contents of the above Affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Verified on this 28<sup>th</sup> day of March, 2026 at Shimla (H.P).



*Gupta*

DEPONENT

*Notary Officer of Shimla*  
*28/3/2026*  
*5974-23270604*

**ATTESTED**  
*[Signature]*  
NOTARY PUBLIC  
SHIMLA H.P. INDIA

fore me on 28/3/2026  
day of.....202 by Sh./Smt.....  
who was identified by Sh./Smt.....  
..... The contents of the affidavit  
document were read over and explained  
to the deponent/accutant in vernacular  
to which he/she admits the same as true  
and correct at the time of making it.

*[Signature]*  
Public Notary  
Govt. of H.P.  
Shimla H.P.  
INDIA  
28/3/2026

---

**OA no. 341/2024\_ Pawan Kumar Banta v. State of Himachal & Ors**

1 message

---

**Mehaak Jaggi** <office@chambersmj.com>

Sat, Mar 28, 2026 at 5:31 PM

To: gr0604@yahoo.co.in, Divyanshu Kumar Srivastava <dkrivastava0511@gmail.com>, hppc.itdivision@gmail.com, Mcsml-Hp@nic.in, info@sjpnl.com, Mukesh Verma <mvermadv@gmail.com>, shriyatarakar@artlo.in, Manantakkar@artlo.in, prince@artlo.in, vishavjeet\_chaudhary@yahoo.com

Dear Sir/Ma'am,

We are the counsels concerned for Respondent No.7 in the above-captioned matter pending before National Green Tribunal (Principal Bench) at New Delhi.

Please find attached the reply on behalf of the Respondent No.7 to the Impleadment Application No. 122 of 2026 in OA No. 341 of 2024.

Please note that this mail will be taken as an advance service upon you.

**Regards,**  
**Mehaak Jaggi**  
**Chambers of Mehaak Jaggi**

Office: D-808, Ground Floor

New Friends Colony, New Delhi - 110065

Mob.: 9811250312

Email: [office@chambersmj.com](mailto:office@chambersmj.com) | [mehaakjaggi@gmail.com](mailto:mehaakjaggi@gmail.com)

**NOTE:** This communication contains information which is confidential and may also be privileged. It is for the exclusive use of the addressee. If you are not the addressee please note that any distribution, copying or use of this communication or the information in it is prohibited. If you have received this communication in error, please delete the same.

---

 **Reply on behalf of Respondent No.7.pdf**

7271K