

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

ORIGINAL APPLICATION NO. 285/2025

IN THE MATTER OF:

Shiv Kumar Dubey ...Applicant

Versus

Union of India & Ors. ...Respondents

NDOH: 08.10.2025

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FILED THROUGH:

471  
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**I.A. 568/2025  
IN  
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**IN THE MATTER OF:**

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**REPLY ON BEHALF OF RESPONDENT NO. 8 AND 9 TO  
APPLICATION FOR DIRECTIONS FILED BY THE APPLICANT**

**MOST RESPECTFULLY SHOWETH:**

1. That the present reply is being filed in response to the Interlocutory Application dated 20.08.2025 filed by the Applicant seeking, inter alia, directions for early hearing of the Original Application and closure of certain units alleged to be operating without requisite consents on land forming part of Village Chakarpur, near Hamilton Court and Galleria Market, Gurugram.
2. That it is respectfully submitted that the prayer for early hearing already stands rendered infructuous in view of the order dated 11.09.2025 passed by this Hon'ble Tribunal, wherein the matter was heard and directions were issued to HSPCB and concerned respondents to file their clarifications. Accordingly, the present reply is confined only to the remaining aspect concerning alleged 'defaulting units'.

3. That it is submitted that the present proceedings are a smokescreen devised to cloak underlying private disputes between the Applicant and various parties connected with the Subject Land. The Applicant has repeatedly invoked the jurisdiction of this Hon'ble Tribunal under the guise of environmental protection while the true intent is to indirectly influence pending civil and ownership-related issues concerning the same property. Such conduct amounts to a misuse of the process of this Hon'ble Tribunal, seeking to convert a private disagreement into an environmental cause of action. It is therefore respectfully submitted that this Hon'ble Tribunal may be pleased to take judicial notice of this mala fide attempt and treat the present application as an abuse of process, filed to exert pressure on the landowners under the pretext of environmental litigation.

### **PRELIMINARY SUBMISSIONS**

#### **A. DESCRIPTION OF RESPONDENTS AND NATURE OF PROPERTY**

- I. That Respondents 8 and 9 are private landowners and the original owners of land measuring 3 Bigha 13 Biswa in Khasra No. 446/1/1, Village Chakarpur, District Gurugram. Out of this land, a portion measuring 2 Bigha 4 Biswa 12 Biswansi was acquired by the Government of Haryana under Award No. 18 dated 06.09.2000. The residual 1 Bigha ( $\approx$  2,428 sq. m.) (hereinafter "*Subject Land*") continues to be owned by these respondents.

II. That the Subject Land comprises long-standing built-up structures constructed nearly three decades ago. These are occupied by various independent tenants engaged in small-scale activities. Respondents 8 and 9 have no operational control over their day-to-day functions.

**B. CLARIFICATION REGARDING PARAGRAPH 5 OF THE ORDER DATED 11.09.2025**

III. That paragraph 5 of the Hon'ble Tribunal's Order dated 11.09.2025 records an oral submission made by the Applicant that Respondents 8 and 9 are covered under Entry 10.2 of the CPCB Guidelines dated 12.02.2025 ("Building Construction Projects  $\geq$  5,000 sq. m. but  $<$  20,000 sq. m. built-up area"). The Interlocutory Application itself contains no such reference.

IV. That the answering respondents respectfully state that, in pursuance of the said order, a separate Clarification has already been filed on behalf of Respondents 8 and 9 on 28.09.2025, placing on record the complete factual and legal position regarding the inapplicability of Entry 10.2.

V. That as explained therein, the CPCB Guidelines dated 12.02.2025 classify building construction projects generating effluents or emissions based on built-up area. Entry 10.2 applies only to projects with  $\geq$  5,000 sq. m. built-up area. The Subject Land measures only  $\approx$  2,428 sq. m., has no construction activity, and consists solely of old existing structures.

VI. That accordingly, Respondents 8 and 9 do not fall within any entry of the CPCB Guidelines, including Entry 10.2, and are consequently outside the consent mechanism contemplated under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

**C. TENANTS AND THEIR INDEPENDENT CLARIFICATIONS**

VII. That separate clarifications have been filed by Respondents 15, 16 and 17 — R.S. Automobiles, 3M Car Care and Car Zone Motors — tenants operating from the Subject Land. Each has explained that their activities constitute dry vehicle servicing or pre-owned vehicle trade, both classified as White Category activities under the HSPCB Office Order dated 01.08.2025.

VIII. That the HSPCB (Respondent 4) in its reply has recorded that closure action has already been taken against three non-compliant units identified in its inspection report. This demonstrates that enforcement has already been undertaken and there is no further cause for general directions by this Hon'ble Tribunal.

**D. UNITS CANNOT BE CLOSED EN MASSE; ANY ACTION MUST BE UNIT-SPECIFIC AND LAWFUL**

IX. That the Applicant's prayer effectively seeks blanket closure of "all units on the Subject Land." Such omnibus relief is impermissible. Under the statutory scheme, any direction for closure can only be unit-specific and founded on inspection,

show cause, and opportunity to the concerned operator. The Haryana State Pollution Control Board (HSPCB) is the competent authority to proceed unit-wise in accordance with law and not by indiscriminate, locality-wide shutdown.

- X. That a blanket closure order would indiscriminately affect distinct tenants engaged in different activities, including those falling in White/Non-consent categories or otherwise compliant. It would also override the Board's ongoing enforcement, which—per HSPCB's own reply—has already resulted in closure action against three identified non-compliant units, while other tenants (including Respondents 15, 16, 17) have filed their separate clarifications and are independently answerable to HSPCB.
- XI. That the property itself cannot be “closed” or “sealed” under the *Water* and *Air Acts*. These statutes regulate operations of polluting units—not the ownership of immovable property. Respondents 8 and 9 are landowners, not operators; they neither run nor control the tenants' businesses. Any coercive measure directed at the property would unlawfully impair ownership rights without any finding of operational violation by these respondents.
- XII. That consequently, the Applicant's omnibus closure prayer cannot be granted. At most—and only if warranted on evidence—this Hon'ble Tribunal may direct HSPCB to proceed strictly unit-wise in accordance with law and after due

process, without any blanket or property-level closure affecting compliant or non-polluting occupants or the landowners.

**PARA WISE REPLY**

1. That in reply to para 1 of the application, it is submitted that the present Original Application is not a bona fide action aimed at environmental protection, but a textbook instance of proxy litigation, initiated with a singular purpose, to exert pressure in an ongoing land dispute. The Respondent No. 8 & 9, being Dalbir Singh and Charan Pal Singh were the initial owners of land measuring 3 Bigha- 13 Biswa, comprised in Khasra No. 446/1/1 (3-13) situated in the revenue estate of Village Chakarpur, District Gurugram (hereinafter referred to as the "Total Land"). Disguised under the label of public interest environmental concern, this OA is, in truth, an abuse of the process of this Hon'ble Tribunal.
2. That the contents of para 2 of the application are matter of record and warrants no reply.
3. That in response to para 3 of the Application, it is submitted that the issues raised therein already stand addressed and recorded in the order dated 11.09.2025 passed by this Hon'ble Tribunal, wherein specific directions were issued to the Haryana State Pollution Control Board (HSPCB) to take appropriate action in accordance with law. It is further submitted that, as per the reply filed by HSPCB dated 28.08.2025, it has been clearly stated that show cause notices dated 30.06.2025 and 01.07.2025 for closure were issued to the following three units : Detailing Addicts, Dry Cleaner Blue Bar (Blue Berry

Laundry and Drycleaners), and MoongFali Cafe. The said reply also records that recommendations for closure of the above three units have already been forwarded to the Head Office of HSPCB on 28.07.2025. Accordingly, the contention that “no coercive action has been taken” is factually incorrect. It is further clarified that the above facts pertain only to the three specific units referred to in the HSPCB’s reply, namely Detailing Addicts, Dry Cleaner Blue Bar (Blue Berry Laundry and Drycleaners), and MoongFali Cafe. With respect to Respondents No. 15, 16, and 17, namely R.S. Automobiles, 3M Car Care, and Car Zone Motors, a separate clarification has already been filed by them pursuant to the order dated 11.09.2025.

4. That in response to paragraph 4, it is respectfully submitted that the contents thereof are wrong and denied insofar as they are sought to be applied to Respondents No. 8 and 9. The said averments are irrelevant and inapplicable, as these respondents are private landowners and not entities engaged in any activity requiring Consent to Establish (CTE) or Consent to Operate (CTO) under the Water (Prevention & Control of Pollution) Act, 1974 or the Air (Prevention & Control of Pollution) Act, 1981. It is further submitted that the competent authority to determine compliance or to take enforcement action, if warranted, is the Haryana State Pollution Control Board (HSPCB). As stated in its reply dated 28.08.2025, HSPCB has already issued show cause notices for closure to three identified units— Detailing Addicts, Dry Cleaner Blue Bar (Blue Berry Laundry and Drycleaners), and MoongFali Cafe—and has recommended their closure to its Head Office on 28.07.2025. Accordingly, any further decision regarding violation or enforcement lies exclusively with HSPCB and must be

taken unit-wise and in accordance with law. These answering respondents cannot be held responsible for actions or omissions of independent occupants functioning from their premises. It is further clarified that Respondents No. 15, 16 and 17, namely R.S. Automobiles, 3M Car Care, and Car Zone Motors, have already filed separate Clarifications pursuant to the Hon'ble Tribunal's order dated 11.09.2025. Their compliance, if any, is also to be assessed by HSPCB as per due process.

5. That in response to para 5 of the application, it is submitted that the reliance on Common Cause vs. Union of India, Writ Petition (Civil) No. 114 of 2014 order dated 2.8.2017, as the said matter pertained to mining activities.
6. That the contents of para 6 of the application are wrong and denied. It is specifically denied that the shops/ units continue to pose grave safety hazards and are unabatedly causing environmental pollution on the Subject Land, threatening public health and safety. The contents of the Preliminary Submissions are reiterated and reaffirmed and not repeated for the sake of brevity.
7. That the contents of para 7 of the application are wrong and denied. It is specifically denied that the present application is bona-fied and in the interest of environmental justice. The contents of the Preliminary Submissions are reiterated and reaffirmed and not repeated for the sake of brevity.

8. That the contents of para 8 of the application are wrong and denied. The contents of the Preliminary Submissions are reiterated and reaffirmed and not repeated for the sake of brevity.

**REPLY TO THE PRAYER CLAUSE**

The Prayer clause in the instant application under reply is wrong and denied in toto. It is specifically denied that the claimant is not entitled to any such relief as prayed.

**PRAYER**

In view of the aforesaid facts and circumstances, this Hon'ble Tribunal be pleased to:

- a. Dismiss the application for directions bearing I.A. 568/2025; and
- b. To pass any other and further order as this Id. Forum deems fit in the interest of justice.

FILED THROUGH:

57/

[SIDDHARTH BATRA],





[CHINMAY DUBEY] & [RHYTHM KATYAL]

Advocates for Respondent No. 8 & 9

8A, Sagar Apartments, 6-Tilak Marg,

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Date: 07.10.2025

Place: New Delhi

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**AFFIDAVIT**

I, Dalbir Singh Yadav S/o Sh. Sukbhir Singh, aged about 55 years R/o Village Chakarpur, Tehsil and District Gurugram, Haryana, presently at House No. 209, Chakarpur (74), Gurgaon, Haryana-122002, do hereby solemnly affirm and stat as under:

1. That I am Respondent No. 8 in the aforesaid Original Application, am therefore well versed and conversant with the facts and circumstances of the case and hence am competent to swear the present affidavit.
2. That the accompanying reply has been drafted by my counsel under my instructions, and I say that the statements and submissions made in the said reply are true and correct to best of my knowledge based upon the records and my belief. I pray that the said reply to be treated as part and parcel of this Affidavit and the same is not being reproduced for the sake of brevity.
3. I say that the documents / annexure produced along with the reply are true copies of its originals.



*Dalbir Singh*

**DEPONENT****VERIFICATION:**

Verified that the contents of the above affidavit are true and correct to the best of my knowledge, belief and nothing material information has been concealed therefrom. No part of it is false.

Verified at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 2025.

**DEPONENT****ATTESTED**  
**RAM NIWAS MALIK, ADVOCATE  
NOTARY, GURUGRAM (HR.) INDIA**

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**AFFIDAVIT**

I, Charan Singh @ Charanpal S/o Sh. Sukbhir Singh, aged about 46 years R/o Village Chakarpur, Tehsil and District Gurugram, Haryana, presently at House No. 209, Chakarpur (74), Gurgaon, Haryana-122002, do hereby solemnly affirm and stat as under:

1. That I am Respondent No. 9 in the aforesaid Original Application, am therefore well versed and conversant with the facts and circumstances of the case and hence am competent to swear the present affidavit.
2. That the accompanying reply has been drafted by my counsel under my instructions, and I say that the statements and submissions made in the said reply are true and correct to best of my knowledge based upon the records and my belief. I pray that the said reply to be treated as part and parcel of this Affidavit and the same is not being reproduced for the sake of brevity.
3. I say that the documents / annexure produced along with the reply are true copies of its originals.



*Charan S*

**DEPONENT****VERIFICATION:**

Verified that the contents of the above affidavit are true and correct to the best of my knowledge, belief and nothing material information has been concealed therefrom. No part of it is false.

Verified at \_\_\_\_\_ on this \_\_\_ day of \_\_\_\_\_, 2025.

**DEPONENT****ATTESTED**

RAM NIWAS MALIK, ADVOCATE  
NOTARY, GURUGRAM (HR.) INDIA