

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

OA NO. 537/2022

IN THE MATTER OF

MUKESH KUMAR CHOUHAN

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

WITH

OA NO. 426/2023

SURENDER SINGH CHOUHAN

...APPLICANT

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

WITH

O.A. NO. 457/2023

S.S. SINGH

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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Through Counsels

Ashish

AK ASSOCIATES
ADVOCATES AND LEGAL CONSULTANTS
3/31. FIRST FLOOR, WEST PATEL NAGAR,
NEW DELHI-110008

DELHI

Date: 18/07/2025

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**REPLY ON BEHALFOF THE RESPONDENT NO.8 I.E. M/s P & P
EXIM PVT. LTD. TO THE APPLICATION FILLED BY THE
APPLIACANT.**

MOST RESPECTFULL SHOWETH:

PRELIMINARY SUBMISSION

1. At the outset, it is clarified that all the statements, averments and allegations made in the letter application filed by the Applicant are specifically denied, and none of such statements, averments and allegations should be deemed

to be admitted merely by reason of specific non-traverse unless the same is specifically admitted herein below.

2. That the contents of the application contain utter falsehood and frivolous, baseless allegations and the same constitutes gross abuse of process of law. There is no cause of action against the answering Respondent. Hence, the present application deserves to be rejected on this ground alone. This is substantiated by the Applicant's own letter addressed to the Hon'ble Tribunal inter-alia withdrawing the letter petition citing his satisfaction with measures already taken by the answering Respondent.
3. That the main issue pertains to the air pollution caused at the railway siding at the time of loading/unloading of clinker at the railway siding and during transportation from the spot of loading/unloading site.
4. That the answering respondent, while working with the cement manufacturers and railways, has always taken adequate measures to control the dust emitted during the process of loading and unloading and has implemented all the best available measures to control the dust emitted during the process of loading and unloading.
5. That Uttar Pradesh Pollution Control Board (UPPCB for short) and the joint committee formed by the Hon'ble Tribunal has submitted its report dated 10.11.2022, which already indicates that adequate steps have been taken by the Respondent under reply to mitigate the effects of air pollution caused by the loading/unloading of the clinker.

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6. That the main issue pertains to the air pollution caused at the railway siding at the time of loading and unloading of clinker and the pollution caused during the transportation from the spot of loading/ unloading to the train wagon. It is submitted that the Railway siding is owned by the Indian Railways and the answering Respondent cannot make structural improvements at this site due to the reason that the site is owned by Indian Railways.
7. That even UPPCB's letter dated 14.12.2022 states that the platform near line no. 14 was found unpaved, which is the main cause of fugitive emission during transportation and in the above report, it has further recommended that the platform should be paved to further mitigate fugitive emission during movement of trucks.
8. Measurements taken by answering respondent: that prior to and at the time of inspection by the joint committee, there are adequate measures already in place taken by the answering Respondent even before the letter petition in question was filed. These measures include steps to mitigate air pollution at the point and time of loading and unloading of clinker at the railway siding and during transportation of clinker, proper water spray is used as per the direction/supervision of the concern cement company and the answering Respondent are taking care of the all the effective measures to control and reduce the concern air pollution, within its control.

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9. The answering respondent transports the clinker from the railway siding to the plant of M/s Mangalam Cement and has taken various steps to control the dust generation which are as under.
- i. One 3000 litres water tanker has been deployed to sprinkle water on the unpaved road at Railway siding during the time of loading and unloading.
 - ii. Two Anti-smog guns have been deployed at the site to suppress the dust particles during the process of loading and unloading.
 - iii. Green cloth curtain which is 600 metres long and 25 feet in height has been deployed on both sides of sidings to trap the dust particles.
 - iv. 1000 saplings have been planted along the railway siding, which after few months of growth shall become trees and act as a green barrier
 - v. That even inspection done on 09-01-2023 by UPPCB states as above.
 - vi. That Photographs showing the steps taken by answering respondent attached as (Annexure-1)
10. That on 02-01-2023 the answering Respondent submitted its detailed response of all the queries asked and steps to be taken by the letter issued from UPPCB inter-alia highlighted the above-mentioned mitigation measures already in place and subsequently taken at the site in question. True copy of answering respondents' reply dated 02.01.2023 submitted to UPPCB is annexed and marked as (Annexure-2).

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11. That without prejudice to the aforesaid facts and circumstances, the answering Respondent states and undertakes that it shall comply with all the directions passed by the Ld. Tribunal as passed by this Hon'ble Tribunal.
12. That as per Joint Inspection report along with the annexed documents submitted that all the redressal steps to be taken are under the domain or under the respondent such as Railway Board, Cement Companies etc. and not under the domain/control of under M/s P& P Exim Pvt. Ltd.
13. It is submitted that the adequate measures has been taken by the project proponent M/s Mangalam Cement which is the employer of the answering respondent and the answering Respondent has also implemented all the best available measures on its own side to mitigate/control the dust emission during the process of loading and unloading.
14. It is also respectfully submitted that the actions of Respondents have struck a perfect balance between economic development and environmental pollution. In the instant case, adequate measures have been taken by the answering respondent to mitigate air pollution in a proactive manner which is borne out from UPPCB's Report as well as from the photographs attached therewith.
15. It is evident from the UPPCB's report that the all the adequate measures has been take by the answering respondent to mitigate the air pollution

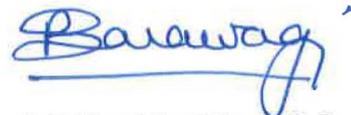
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at the concern area and no further cause of action remain against the answering respondent and its pleased to be discharged liability from the present case 16. It is submitted that the answering respondent is a small service contractor who is rendering services at very competitive service charges and also take priority of the individual's right and also make balance between its work and environment. it is further submitted that the answering respondent has firm believe in sustainable development for the country.

PRAYER

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

- a. Dismiss the present O.A. No. 537/2022, OA NO. 426/2023; AND
- b. To discharge the liability of answering respondent in the present matter because no cause of action sustain.
- c. Pass any other and further order as this Tribunal deems fit.



RESPONDENT NO.8

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Through Counsels

Ashish

AK ASSOCIATES
ADVOCATES AND LEGAL CONSULTANTS
3/31. FIRST FLOOR, WEST PATEL NAGAR,
NEW DELHI-110008

DELHI

Date: 18/07/2025

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S.S. SINGH

...APPLICANT

VERSUS

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...RESPONDENTS

AFFIDAVIT

I, Praveen Sarawagi. aged 38 years, Slo Shri Narayan Prasad Sarawagi, Rio flat No. 9PH 92/1B Moulana Abdul Kalam Azad Sarani, Kankurgachi Kolkata West Bengal. Designated as Director of M/s. P & P Exim Pvt. Ltd. (Respondent no, 8). do hereby solemnly affirm and declare as under:

18 JUL 2025

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1. That I am the director of Respondent NO.8 and I am well conversant with the facts & circumstances of the present case and as such, I competent to depose the present Affidavit.
2. That the accompanying reply has been drafted by the counsel for the Respondent no. 8 under my instructions and the contents thereof are rue and correct to my knowledge. The contents of the accompanying reply are explained to me in a vernacular language and the contents of the accompanying reply may be read as part and parcel of this affidavit, which are not being repeated herein for the sake of brevity.

P & P EXIM PVT. LTD.
Barawagi
DEPONENT Director

VERIFICATION:

Verified at ~~New Delhi~~ ^{Kolkata} on this 18 day of July, 2025 that the contents of my above affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

P & P EXIM PVT. LTD.
Barawagi
DEPONENT Director

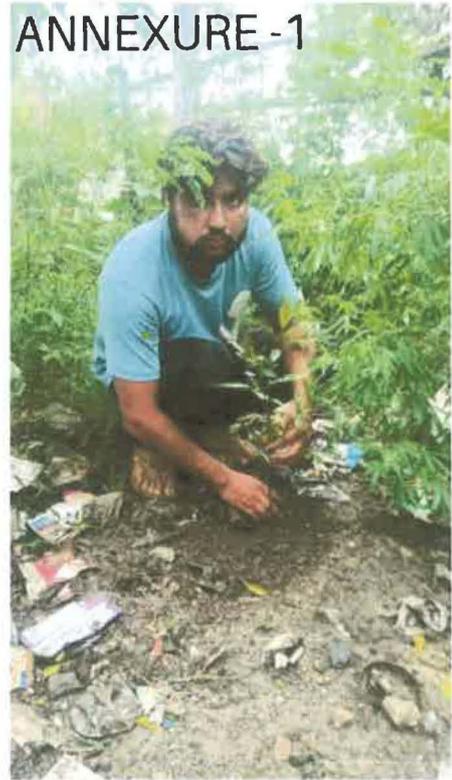


Solemnly Affirmed & Declared Before me on Identification of Ld. Advocate

Sanjay Kumar Das
SANJAY KUMAR DAS
 NOTARY GOVT. OF INDIA
 REGN. NO. 54436/25
 Chief Judicial Magistrate
 Kolkata-700001

Identified by me
Soma Dutta
Soma Dutta
 Advocate
 C.J.M Court, Kolkata-4
 Regn. No.-F-1496/21

18 JUL 2025



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P & P Exim Pvt Ltd

Annexure-2

28, Green Park
Sector 18, Gurgaon
Haryana 122002, India
Phone: +91 122 412 1111
Fax: +91 122 412 1112
E-mail: info@ppexim.com
www.ppexim.com

दिनांक : 02.01.2023

प्रति,

श्रीमान क्षेत्रीय अधिकारी

(उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड)

जै-1 ज्ञान सरोवर कॉलनी, रामघाट रोड, अलीगढ़

विषय :- मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में ओ.ए. संख्या- 537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० में पारित आदेशदिनांक 05.09.2022 के अनुपालन के सम्बन्ध में।

सन्दर्भ :- पत्रांक 2256 /OA-253 / 2022 दिनांक 14.11.2022 जो कि दिनांक 21.12.2022 को प्राप्त हुआ है।

महोदय,

उपरोक्त विषयक एवं पत्र के सन्दर्भ में, हम आपके समक्ष, आपके द्वारा दिनांक 14.12.2022 को जारी पत्र जो कि मा०राष्ट्रीय हरित अधिकरण, नई दिल्ली में ओ.ए. संख्या -537/2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० में पारित आदेश दिनांक 05.09.2022 के अनुपालन में गठित टीम द्वारा किये गये संयुक्त निरीक्षण दिनांक 10/11/2022 के सन्दर्भ में दिया गया है एवं संयुक्त निरीक्षण आख्या में दी गयी Recommendation, Concluding Remark के अनुसार आवश्यक कार्यवाही हेतु निर्देशित किया गया है।

श्रीमान जी को अवगत कराना चाहते हैं कि हरदुआगंज रेलवे साइडिंग भारतीय रेलवे का परिसर है जिसमें P & P Exim Pvt Ltd. सहित अन्य फर्म क्लिंकर अनलोडिंग व लोडिंग का कार्य करती है हरदुआगंज रेलवे साइडिंग क्लिंकर अनलोडिंग व लोडिंग, रेलवे के दिशानिर्देशों के अनुसार की जा रही है

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में ओ.ए. संख्या -537 / 2022 मुकेश कुमार चौहान बनाम स्टेट ऑफ यू० पी० ने पारित आदेशदिनांक 05.09.2022 के अनुपालन में गठित टीम द्वारा किये गये संयुक्त निरीक्षण आख्या में दिए गए सुझाव निर्देश के अनुपालन में हमारे द्वारा दिए गए विन्दु वार आख्या निम्नलिखित है।

- विन्दु न०-1 हरदुआगंज रेलवे साइडिंग भारतीय रेलवे का परिसर है जिसमें P & P Exim Pvt. Ltd. सहित अन्य फर्म क्लिंकर अनलोडिंग व लोडिंग का कार्य करती है हरदुआगंज रेलवे साइडिंग क्लिंकर अनलोडिंग व लोडिंग, रेलवे के दिशानिर्देशों के अनुसार की जा रही है अतः यह बिंदु हमारे से सम्बन्धित नहीं है।

Received
11/01/23

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- 2- बिंदु नं० -2, हरदुआगंज रेलवे साइडिंग भारतीय रेलवे का परिसर है अतः यह बिंदु हमारे से सम्बन्धित नहीं है
- 3- बिंदु नं० 03 का सम्बन्ध में अवगत करना चाहता हूँ कि अनलोडिंग व लाइनिंग एवं वाहन की अदा – जाही के दौरान निरन्तर काम में पानी का छेड़काव निरन्तर पानी के टैंकर द्वारा किया जाता है एवं 14 नं० लाइन के दोनों तरफ ग्रीन परदे स्थापित हैं और अनलोडिंग एवं लोडिंग के समय एंटी फोग मशीन का इस्तेमाल किया जाता है और 14 नं० लाइन एवं स्टेशन साइडिंग पर समय समय संघन वृक्षारोपण किया जाता है एवं आगे भी किया जाता रहेगा।
- 4- बिंदु नं० 4, यह बिंदु हमारे से सम्बन्धित नहीं है
- 5- बिंदु नं० 5 यह बिंदु हमारे से सम्बन्धित नहीं है
- 6- बिंदु नं० 6 यह बिंदु हमारे से सम्बन्धित नहीं है
- 7- बिंदु नं० 7, हरदुआगंज रेलवे साइडिंग भारतीय रेलवे का परिसर है।

उपरोक्त सन्दर्भ में श्रीमान जी से निवेदन है कि हमारी फर्म M/s. P & P Exim Pvt. Ltd द्वारा उपरोक्त सभी बिन्दुओं का क्रमबद्ध स्पष्टीकरण दिया है और भविष्य में भी आपके सुझाव के अनुसार कार्य करते रहेगे।

धन्यवाद

M/s. P & P Exim Pvt. Ltd.



प्रतिलिपि :- अधीक्षक हरदुआगंज रेलवे स्टेशन अलीगढ़



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BEFORE THE Hon'ble National Green Tribunal, DELHI

D.A. NO. 537 OF 2022

IN RE:-

Nurkush Kumar Chauhan

PLAINTIFF/APPLICANT/APELLANT/COMPLAINANT

VERSUS

State of UP & Ors.

DEFENDANT/ RESPONDENTS

KNOW ALL to whom these presents shall come that I, Respondent No. 8 the above-named Plaintiff, do hereby appoint.

**AK ASSOCIATES
ADVOCATES & LEGAL CONSULTANTS**

Mr. Ashish Chauhan(D/1189/2014), Mr. Kushagra Bansal(D/1268/2015), Mr. Manu Garg (D/3031/2019), Ms. Vishakha Panchal (D/11901/2022) and Naman Gari (D/5223/2023), Mr. Om Pandey (D/6673/2024)

at

3/31, First Floor West Patel Nagar, New Delhi-08 , E-mail: kushagrabansal@akassociates.org.in & ashishchauhan@akassociates.org.in, Mob No. 9999448797, 9999468603

(hereinafter called the advocate/s) to be my/our Advocate in the above noted case and authorize him: -

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage. To file and take back documents, to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes. And I/We undertake that I/We or my /our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself. And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 18 day of July.....,2025.
Accepted subjected to the terms of the fees.

[Signature]
[Signature]
[Signature]
Advocate

P & P EXIM PVT. LTD.
[Signature]
Client [Signature]
Director

I IDENTIFY THE SIGNATURES OF THE CLIENT,
WHO HAS SIGNED IN MY PRESENCE.

[Signature]
[Signature]