

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 285/2025

IN THE MATTER OF:

Shiv Kumar Dubey

... Applicant

Versus

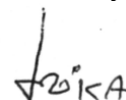
Union of India & Ors.

... Respondents

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Filed by:



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PLACE: NEW DELHI
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REPLY/ OBJECTIONS TO THE ADDITIONAL REPLY
DATED 10.12.2025 OF RESPONDENT NO. 4 I.E., HARYANA
STATE POLLUTION CONTROL BOARD [HSPCB]

1. The Applicant is filing the objections to the Additional Reply dated 10.12.2025 filed by the Respondent No. 4/ HSPCB in compliance of this Hon'ble Tribunal's order dated 11.12.2025 in the captioned matter.
2. The Hon'ble Tribunal by way of its order dated 11.09.2025 recorded the following:

“5. Learned Counsel for the applicant has submitted that as per reply filed by respondent no.4-HSPCB, consent requirement is applicable only to respondents no. 6, 18 and 24 but in fact in view of entry no.9 in Annexure1 (List of Industrial Sectors Classified Under Red, Orange, Green, and White Categories) of CPCB Guidelines dated 12.02.2025 “Automobile Service Stations/Workshops” respondents no.15, 16 and 17 are covered under consent mechanism and as per entry no.10.2 of the above said Guidelines “Building Construction Project \geq 5,000 sq. m., but $<$ 20,000 sq. m. built-up area (without connectivity to terminal STP)” respondents no. 8 and 9 are covered by consent mechanism but respondent no.4- HSPCB has not taken any action in this regard.

6. Learned Counsel for respondent no.4-HSPCB seeks three weeks' time for filing additional response and Learned Counsel for respondents no. 8 and 9 also seeks three weeks' time for filing of their responses.

7. In view of its statutory obligation respondents no.4-HSPCB may take appropriate action in accordance with law and include details regarding action taken in its additional response.”

3. At the outset, it is respectfully submitted that the purported compliance affidavit / additional reply dated 10.12.2025 filed by Respondent No. 4/ HSPCB is superficial in nature, lacking substantive inquiry and conspicuously fails to deal with the material issues raised by the Applicant. The affidavit is evasive, incomplete, and does not reflect any genuine application of mind to the controversy at hand.

4. Failure to examine Consent to Operate / Consent to Establish at an aggregate level:

4.1 The additional reply is conspicuously silent on material aspects including:

- a) the total number of units operating in the cluster,
- b) the total land area covered by these units collectively,
- c) whether the cumulative area exceeds the thresholds prescribed under environmental norms,
- d) whether cumulative pollution load has been assessed, and
- e) whether the activity as a whole requires composite consent under the applicable statutory framework including entry no.10.2 of the CPCB Guidelines dated 12.02.2025 “Building Construction Project \geq 5,000 sq. m., but $<$ 20,000 sq. m. built-up area (without connectivity to terminal STP)” read with Office Order dated 01.08.2025 issued by Respondent No. 4/ HSPCB

- 4.2 It is respectfully submitted that the entire issue of grant, applicability, and violation of Consent to Establish (CTE) and Consent to Operate (CTO) cannot be examined in isolation qua individual shops, but must necessarily be assessed at an aggregate and cumulative level, keeping in view the clustered nature of operations, the cumulative environmental impact, the collective footprint of the units, and the manner in which the premises are being used as a composite commercial activity. The entire cluster operates in an integrated and interdependent manner under the common control, management, and direction of Respondent Nos. 8 and 9, thereby constituting a single composite industrial/commercial unit for the purposes of regulatory scrutiny. The activities within the cluster are not isolated or independent; rather, they are functionally linked and cumulatively generate environmental impacts that fall squarely within the ambit of the consent requirements prescribed under the Water Act, Air Act, and allied environmental regulations. The Respondent No.4/ HSPCB has completely failed to conduct even a basic enquiry on this aspect.
- 4.3 Whether the principle of aggregation is legally applicable, including requirement of consent under including entry no.10.2 of the CPCB Guidelines dated 12.02.2025 “Building Construction Project \geq 5,000 sq. m., but $<$ 20,000 sq. m. built-up area (without connectivity to terminal STP)” read with Office Order dated 01.08.2025 issued by Respondent No. 4/ HSPCB, or not is within the exclusive domain of this Hon’ble Tribunal to determine, and cannot be pre-empted or avoided by HSPCB. In any event, HSPCB cannot shirk its statutory obligation to at least assess and place on record the aggregate area over which the shops/units (whether dismantled or otherwise) are operating. The regulatory authority cannot defeat judicial scrutiny by simply refusing to collect relevant factual data.
- 4.4 The aforesaid omissions are not merely procedural lapses but amount to a complete abdication of statutory duty by Respondent No.

4/HSPCB, which is obligated under the Water Act, 1974 and Air Act, 1981 and allied environmental regulations to proactively assess environmental impact rather than await technical objections.

5. **Non-response to sealing order violations and removal of DG Set**

- 5.1 The additional reply filed by Respondent No. 4/HSPCB fails to deal with the specific averments made in the Applicant's affidavit dated 29.10.2025, supported by affidavit and material on record including photographs, regarding violation of the sealing order dated 25.08.2025 [*See Annexure-3 of the HSPCB Reply dated 07.10.2025 @Pg 589*]. The 20 KVA DG Set was admittedly sealed. However, the Applicant's affidavit demonstrates that the DG Genset has subsequently been removed.
- 5.2 The Additional Reply filed by Respondent No. 4/ HSPCB reveals that no meaningful enquiry whatsoever has been conducted on this crucial issue and is completely silent on how a sealed device could be removed from the premises without any permission or authorisation. It is settled that once an equipment or premises is sealed by a statutory authority, the seal cannot be tampered with, the equipment cannot be accessed and no fixtures, machinery, or equipment can be removed therefrom without express written permission and presence of the competent authority. The removal of the DG Set vitiates the sealing process itself and amounts to contempt of regulatory action.

6. **Non-compliance with closure order**

- 6.1 It is respectfully submitted that the closure order dated 02.12.2025 read with compliance report dated 03.12.2025 issued by Respondent No. 4/ HSPCB to R.S. Automobile is a complete eyewash. The photograph of R.S. Automobiles marked as Annexure R/2 in the Additional Reply and reflected as "*unit has been dismantled from site*", when compared with the photographs of the said unit annexed in the Respondent

No.4/HSPCB's Affidavit dated 02.08.2025 [*see Annexure R/1 at Page 8*], clearly show that the unit is still operational in substance the alleged closure exists only on paper and not in reality. The compliance report, thus, can at best be termed as symbolic act creating an illusion of compliance, without any effective ground-level implementation.

7. It is respectfully submitted that in view of entry no.9.0 in Annexure III (List of Service/ Infrastructure Development Sectors Classified Under Red, Orange, Green, and White Categories) of CPCB Guidelines dated 12.02.2025 i.e., "Automobile Service Stations/Workshops" read with S. No. 1 of the List of left over industrial sector/ non-industrial sector categorized by HSPCB as per CPCB Classification in the Green Category in Office Order dated 01.08.2025 issued by Respondent No. 4/ HSPCB, the Respondent No. 23 i.e., Yokobama Big Wheels dealing with tyre alignment, tyre balancing and tyre changing, is also covered under the consent mechanism stipulated therein.

8. It is submitted that the Central Pollution Control Board (CPCB) issued revised guidelines dated 12.02.2025, pursuant to which the corresponding consent mechanism was formally adopted by Respondent No. 4/ HSPCB on 01.08.2025. Despite the said regulatory framework being in force, the record clearly demonstrates that the concerned units i.e., Respondent Nos. 15, 16, 26, and 29 continued to operate without obtaining the requisite CTO/CTE, and no effective regulatory action was taken by Respondent No. 4/HSPCB on its own accord. It was only after repeated omissions and violations were specifically pointed out by the Applicant that Respondent No. 4/ HSPCB initiated steps for closure of certain units.

9. The aforesaid conduct of Respondent No.4/HSPCB clearly reveals that the regulatory authority did not act proactively in discharge of its statutory obligations, but instead responded only when compelled by the Applicant's intervention. Such an approach is contrary to the very mandate of environmental governance, where the burden lies on the regulator to ensure compliance, and not on citizens to scrutinize violations. In view of the above, it is imperative that the factual position is ascertained at the subject site through an independent, impartial, and court-monitored mechanism through appointment of an independent Local Commissioner / Joint Committee.

Through

APPLICANT



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AFFIDAVIT

I, Shiv Kumar Dubey s/o Late Shri Ram Dubey, aged about 48 years, having office at 10, Central Avenue, 2nd Floor Maharani Bagh, New Delhi, Delhi, India – 110065 do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present application and I am well conversant with the facts and circumstances of the case and, as such, I am competent to swear this affidavit.
2. That I have read over and understood the contents of the accompanying reply/objections to the Additional Reply dated 10.12.2025 filed by Respondent No. 4 i.e., the Haryana State Pollution Control Board, that has been drafted by my counsel under my instructions. I say that the same is true and correct to my knowledge and belief.
3. That the Annexure(s) appended to the accompanying Rejoinder are true copies of their respective originals.

Shiv Kumar

DEPONENT

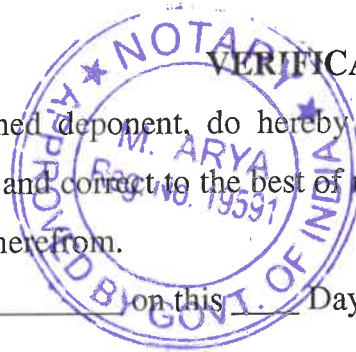
VERIFICATION

I, the above-named 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 at _____ on this _____ Day of _____ 2026.

Shiv Kumar

DEPONENT



ATTESTED
M
NOTARY PUBLIC

15 JAN 2026