

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46/2025**

IN THE MATTER OF:

Sanjaya Kumar Mishra

...Appellant

Vs.

Ministry of Forest, Environment and Climate Change & Ors.

...Respondents

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Through



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Dated: 30.05.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**REBUTTAL SUBMISSIONS ON BEHALF OF THE RESPONDENT NO.
2 TO THE TABULATED SUBMISSIONS OF THE APPELLANT DATED
30.03.2026**

MOST RESPECTFULLY SHOWETH:

1. The Respondent No. 2 (Meja Urja Nigam Private Limited) is filing the present Reply to the tabulated submissions of the Appellant filed on 30.03.2026. That at the outset, the Respondent No. 2 denies each and every averment, statement, allegation and contention made in the tabulated submissions which are inconsistent with the contents of the present Reply and save those which are specifically admitted hereinafter. Further, nothing contained in the tabulated submissions may be treated as admitted by the Answering Respondent merely for want of specific traverse, unless specifically admitted in this reply.

2. At the outset, it is submitted that all the issues raised in this Appeal had already been agitated by the Appellant before the Expert Appraisal Committee ("EAC") and were duly considered at length by the Committee.

The Respondent No. 2, Project Proponent has filed a detailed reply to the Additional Details Sought (ADS), clarifying every issue raised. It is submitted that the Appellant has already raised the same complaints/grounds earlier during the Environmental Clearance process. Therefore, the present is not a fit case for Appeal as the Appellant is trying to re-agitate the issues already raised by it, responded to by Respondent No.2, and finally decided by the MoEF &CC.

3. The issues raised by the Appellant in its tabulated submissions are being dealt with herein under:

4. **Material Deficiencies in Baseline Air Quality Data and Non-compliance with ToR (Including Omission of Mercury Monitoring)**

i. Baseline Air Quality Data lacks integrity and is seriously flawed and inaccurate. It is non-compliant with Terms of Reference (ToR) dated 14.12.2023, which is a statutory document approved by MoEF&CC.

- A reference has been made to pages 70 and 1893. Neither the averment above nor details at Page 70 address to any specific discrepancy in conforming to the TOR. Page 1893 also does not mention any specific discrepancy in conformity to ToR. It is a part of a list of terms of reference granted by the MoEF & CC as given from pages 1888 to 1897.
- Table no. 1.14 para 1.8, page 39 to 61 of the E.I.A., as revised on 04-02-2025, submitted for consideration before the EAC provides para wise compliance report to the TOR as granted by the Ministry. This report has been considered satisfactorily by the EAC and the MoEF & CC before grant of Environmental Clearance. The same is also available from page 428 to 449 of the paper book.

ii. TOR Specifies expansion Project.

- It is not denied that the ‘TOR’ specifies the project as an ‘Expansion Project’. The same has also been mentioned at pages 26-27 of the E.I.A. report as revised on 04-02-2025 and considered by the EAC before grant of Environmental Clearances. The said report mentions that, *“MUPNL has appointed M/s EQMS Global Pvt. Limited, Delhi to prepare the Environment Impact Assessment report for the proposed expansion project based on the TOR accorded by the MoEF & CC...”*

iii. TOR para 4.1 stipulates base line data for Air Pollution Parameters PM 10, PM 2.5, SO2, NOX, CO and Hg.

- The E.I.A. report as revised on 04-02-2025 and as considered by the E.A.C. and the MoEF & CC, after seeking all required clarifications, before grant of E.C. at page 53, explicitly mentions that *“The details of Ambient Air Quality Monitoring is provided in Section 3.6.4 (Table 3.9) of Chapter 3.”* Clarifications on these observations have been duly submitted to and examined by the EAC and MoEF & CC in its various appraisal deliberations on the Project. Section 3.6.4 of the E.I.A. clearly mentions that 24 hourly samples were analysed twice a week from 10 locations for PM10, PM2.5, SO2, NOX, NH3, CO. It has also been stated that Benzene, Benzo-a-pyrene, Lead, Nickel, Arsenic and Mercury were monitored once every week. The TOR at para 4.1 does not specify any frequency for sampling. PM10, PM2.5, SO2, NOX, and Hg, as mentioned by the Appellant have been duly analysed as per para 4.1 of the TOR.

iv. TOR Para 4.2 mandates 104 observations of the Air Pollution Parameters PM10, PM2.5, SO2, NOX, and Hg (Mercury), for expansion projects.

- Para 4.2 only mandates 104 observations for relevant parameters. It does not specify the parameters. The E.I.A. report as revised on 04-02-2025 and submitted before the EAC and MoEF & CC for consideration has mentioned at page 54 that, “*Three month AAQ data from October 2023 to December 2023 incorporated in Section 3.6 Chapter 3 of EIA report. Air Quality monitoring data of 104 observations a year for relevant parameters at air quality monitoring stations as identified/stipulated is incorporated at Annexure-9 in EIA report.*”. The stipulations of the TOR have been duly followed in the preparation of the E.I.A.

v. ADS reply dated 22-03-2025 admits 104 Hg (Mercury) observations not conducted.

- The appellant appears to have misunderstood and misrepresented the statement stated to be drawn by the appellant from the ADS. At S. No. 5 of the Table at page 358 it has been stated that, since Hg was not detected in ambient air hence for 104 observations, parameters for only PM10, PM2.5, SO2, NOX, NH3 and CO, was provided in the E.I.A. report. It was also stated that Hg was analysed in ambient air for all three seasons and found to be below the detectable limits i.e.<0.001 microgram per cubic meter. Data for additional two seasons was provided through the ADS at Annexure-1. This statement nowhere admits that Hg was not monitored. Further it has been made very clear in Section 3.6, chapter 3 of the E.I.A. report (revised 4-2-25) that Air Quality monitoring data of 104 observations a year for relevant parameters at air quality monitoring stations as identified/stipulated has been incorporated at Annexure 9 of the E.I.A. report of 04-02-2025 as submitted to the EAC. At page 409, “Other Parameters” the EAC was

duly informed through the EIA that ‘metals were not detected from the study area.

- The appellant seems to be misleading the Honourable Tribunal in stating that, “*TOR para 4.2 mandates 104 observations of the air pollution parameters PM10, PM2.5, SO2, NOX, and Hg (Mercury) for expansion projects*”. It is clarified that the TOR does not make any specific reference to ‘mercury’ to be assessed based on 104 observations. The TOR at page S. No. 4.2 page 1893, only states that “*In case of expansion projects, air quality monitoring data of 104 observations a year for relevant parameters at air quality monitoring stations as identified/stipulated shall be submitted to assess for compliance of AAQ standards (annual as well as 24 hrs.)*”. Mercury was duly analysed and always found to be below detection limits. It was not considered relevant for the present study but as an added precaution 52 samples once every week for a year have been taken and the results, except for the Monsoon period, presented at Annexure-9 and Annexure III of the ADS. At page 100 of the E.I.A. dated 04-02-2025 the EAC has also been informed that the baseline environmental data generation has been done for the period 1st October 23 to 31st December 23. Baseline data for the period January 2024 to June 2024 has been generated and is compiled as Annexure 9.

vi. EIA report table no. 3.9, Row No. 9 shows metals (which includes mercury) monitored once a week for 03 months.

- 52 observations for Mercury have been made extending weekly over a period one year and the results of 9 months excluding monsoon made available to the EAC through annexure 9 of the E.I.A. report revised on 4- 02-2025. Also see Annexure-III of ADS. Baseline surveys in monsoon are not mandated for E.I.A. However, we have the data which

reports as Hg being not detected. The TOR at para 4.2 had mandated 104 observations for relevant parameters. Mercury was not specifically mandated for 104 observations and being always below deletion limits was monitored once a week as above for the whole year to cover all season data. Para 4.1 of the TOR issued in favour of the project and as referred to by the appellant nowhere specifies the frequency of sampling. There is no violation of the stipulations in the TOR in analysing mercury once a week for the 03-month study. It is reiterated that mercury was monitored once a week for one full year and found below detection limits always. The result (except for the monsoon period when surveys are not prescribed) were shared with the EAC before grant of Environmental Clearance. 'Hg' was undetected in the monsoon months of July to September 2024 also.

vii. No amendment to approved TOR dated 14-12-2023 produced.

- It has never been claimed that the TOR has been amended. All stipulations in the TOR were duly followed and a point wise compliance to the TOR presented to the EAC from pages 39 to 61 of the revised E.I.A. report of 04-02-2025 submitted before the EAC before grant of Environmental Clearance. See also pages 428 to 449.

viii. Undertaking dated 10-08-2024 of Respondent No. 3 claims full TOR compliance.

- It is not denied that the E.I.A. addresses fully to the Terms of reference. A detailed compliance statement has been presented from pages 39 to 61 of the revised E.I.A. report of 04-02-2025 and also from pages 428 to 449 of the paper book. The compliance to the TOR has been observed to be satisfactory by the EAC in its meeting of 04-02-2025, before recommending grant of E.C.

5. Omission of Mercury (Hg) in spite of emission mandate

i. E.C. condition 3.5 mandates monitoring of Mercury (Hg) Emissions, thereby recognizing Hg as a relevant pollutant parameter for the project.

- Page 30 of the Paper book does not make any reference to ‘Hg’. However, S. No. 3.5, page 46 of the Paper book does make the following reference, “*Exit velocity of flue gases shall not be less than 20-25m/s. Mercury emissions from stack shall also be monitored periodically.*” This condition has been stipulated as a condition for E.C. requiring the monitoring of stack emissions analysis after commissioning. This in no way makes any comment on any inadequacy of the ambient air analysis for mercury as submitted before the EAC through the Environmental Impact Assessment report and other documents. Scientifically contaminants may be present in stack emissions but being within standards they may be non-polluting and their impact on surrounding may be negligible based on distance from source and meteorological and topographical factors.
- In this case the E.I.A. has demonstrated that ‘Mercury’ was not detected in the ambient air within the study area.

ii. The E.I.A. report and the E.C. do not rule out the possibility of Hg emissions from existing operations.

- This is not denied. However, the E.C. stipulates that the project would comply with the emission standards mandated by the MoEF & CC. Compliance to mandated standards makes an emission non-polluting. The E.C. mentions a compliance to standards and a regular stack monitoring for ‘Hg’ which will be done on commissioning. The E.I.A.

report recognises that Mercury has been observed to be below detectable limits every week over the one-year period for which the study was made. 'Hg' has not been omitted in the anyway.

6. Non compliance with ToR Requirements Relating to Ambient Air Quality Baseline Data Monitoring/ Measurement (Photographic Evidence).

i. Geo-tagged photographs of field monitoring were not provided in the EIA report though mandated in ToR 4.1.3. No reason sought nor cited.

- A reference has been made to page 1943. This page 1943 does not in any way establish the non-submission of Geo-tagged photographs as a discrepancy nor does it prescribe the submission of geo tagged photographs. The allegation is baseless. The TOR at para 4.1.3 as quoted mentions that *“The PP should submit the photograph of monitoring stations and sampling locations. The photographs should bear the date, time, latitude and longitude of the monitoring station/sampling location. In addition to this PP should submit the original test reports and certificate of the Labs which will analyse the samples.”*
- It is submitted that in compliance, the E.A.C. was informed (Page 435) that “Baseline monitoring station photographs with date, time and coordinates is attached in Annexure 9. In chapter 3, sampling locations are represented on the topo sheets and test reports from the Lab are attached as Annexure 9. All photographs however, were generated through GPS enabled cameras. (Page 1180, 1767).

ii. Rejoinder photos differ from those provided in the EIA Report considered for the grant of impugned EC.

- It is submitted that both the set of photos as given on page 1767 and 1180 relate to ambient air quality monitoring recorded on GPS Map Camera and specify the location, address, latitude, longitude as recorded by the Camera. The Air quality Monitoring programme has extended over 12 months with photos being taken on each occasion. Each photo mentions the dates and the photographs at page 1767 differ from 1180 in terms of the presentation of the photographs in the E.I.A., based on records with the consultant. Rejoinder being drafted independently may have used photos with different dates within the monitoring period.

iii. Korhar village photo shows only sampling equipment and no equipment for sampling/monitoring of PM 2.5.

- The key components of ambient air samplers usually consist of particle size selective inlets, provided with systems to filter particles based on size and glass impingers filled with specific absorbing solution. There was no requirement nor any attempt to show the equipment in various cross sections. Many parts are not visible during the operation of the monitor and may not necessarily be depicted in photographs. The monitors used were equipped with these encased systems.
- There is no non compliance of TOR.

iv. The photographs also do not show traces of gaseous air pollutant sampling at several stations. z

- The monitors used were equipped with gas sampling systems. They are integrated systems which being encased, may not be visible during operation of the equipment.
- There is no non compliance of the TOR.

7. Non compliance with Prescribed Standards for Placement of Equipment for measurement of PM 10 & PM 2.5 Baseline Data.

i. Monitoring photographs evidence of non-compliance with IS 5182 (Part 14) and CPCB Guidelines and sampling equipment placed at inadequate and improper height.

- Questions have been raised on the placement of equipment based on the basis photographs. There is no evidence of any inspection to establish the height. Photographs are deceptive in terms of height and distance which visualization may depend on the angles at which the camera is placed.
- Regarding the height of the placement of samples I.S. 5182 (Part 14) at para 8.1.3 does specify a sampler location of 4 to 12 meters above ground level for particulates but at para 8.1.3.1 it also provides that the provisions could be appreciably reduced if required. Additionally, I.S. 5182-4(1999) does not prescribe guidelines for sampler height from ground level for SPM. I.S. 5182 part 23 does not prescribe any height stipulations for PM10. I.S. 5182 part 24 mentions a height of 2 ± 0.2 mts. for the centre of the air sampler inlet.
- The committee had been informed that in most of the samplers the height was maintained along with ensuring that there was no physical obstruction. At Piprau it was 2 mts. above ground level.

ii. Non-compliance with collocated sampling requirement (minimum 2 m distance) given in CPCB Guidelines.

- Page 207 does not give the specific source of the documents. An ADS issued by the Ministry was received through the client and responded on 17-03-2025 by the Respondent 2. Through this the Ministry was informed that there is no guideline for maintaining a 02 meter distance

between two instruments as prescribed by the CPCB guidelines or in I.S. 5182 (Part 14) 2000. It was also submitted that O₂ samplers were used only at the project site. At all other station combo samplers were used. At the project site, where two samplers were used it was ensured that the air flow radius of 2 meters round the samplers was maintained. For all other locations it was ensured that there are no physical structures in its vicinity (4 to 14 meters). The EAC diligently deliberated on this issue and being fully satisfied as to the data and submissions, recommended grant of E.C.

iii. ADS reply dated 22.03.2025 denies existence of guidelines.

- The ADS reply of 22-03-2025 does not deny existence of guidelines but only submits that according to para 8.1.3 of IS 5182. (Part 14) 2000 as well as CPCB guidelines of 2003 in terms of Air Quality monitoring, there is no such guideline of 02 meter distance between two instruments.
- Attention is drawn to I.S. 5182 (Part 14) 2000 para 8.1.3 which only specifies the height of the equipment above ground level and the height of the collector above the supporting surface. I.S. 5182 (Part 14) 2000 para 8.1.3.1 also provides that these height stipulations could be appreciably reduced if required. There is no guideline as to the distance between two samplers.
- The guidelines for Ambient Air Quality published by the CPCB in 2003 also do not specify the minimum distance between O₂ samplers. However, the CPCB in its guidelines of 2011 does specify the distance between two samplers and provides a minimum distance of 02 meters. At Piprau, the only place where collocational sampling was done, a minimum air flow of 02 meters was maintained.

iv. Same flawed data used for prediction of Ground Level Concentration of air pollution, Impact Assessment and Environment Management Plans and subsequent grant of the impugned EC.

- Page 336 para XV (if that is what the appellant refers to) says that the Committee deliberated on the baseline data and incremental GLC due to the proposed project and observed that AAQ levels are within NAAQS. This is a diligent, well thought over and judicious recommendations of a committee of experts constituted by the Government of India after considering the EIA, multiple deliberations and the observations raised by the appellants. There has been no flaw in the data.
- Significantly at para XXIV, page 337 the same committee has conscientiously commented that, *“The committee noted that the EIA report is in compliance to the TOR issued for the project reflecting the present environmental status and the projected scenario for all the environmental components.”*
- Importantly the committee at page 334 has admitted that it has addressed to the representation received through the appellant and the replies to the ADS. The Committee notes that, *“In addition to the above, Ministry was in receipt of representation regarding the instant project. Proponent submitted point wise reply to the said representation through Parivesh on 24/03/2025. The additional information submitted by the proponent on 12-03-2025 and 24-03-2025 was deliberated in the 23rd EAC meeting held on 04/04/2025.”*
- The E.I.A. has been prepared by experts certified by the QCI/NABET and examined by another group of experts constituted by the MoEF & CC and the grant of E.C. recommended after full satisfaction of the MoEF & CC through the established process of grant of Environmental clearance.

8. Methodological Contradiction in Ammonia Data

i. Monitoring done on 24-hr basis contrary to IS 5182 (Part 25) requiring 1-hr monitoring.

- Ammonia (NH_3) monitoring was conducted over a 24-hour period, with individual samples collected at one-hour intervals as per the prescribed sampling methodology. The one-hour duration pertains only to the sample collection procedure and not to the assessment criterion.
- The monitoring results were subsequently aggregated and reported on a 24-hour average basis, which is the regulatory requirement under the applicable ambient air quality standards. Therefore, while the sampling methodology involved one-hour sample collection, compliance assessment was carried out against the prescribed 24-hour NH_3 standard.
- The CPCB guidelines for Ammonia given at page 35 of the guidelines mention the results to be mentioned on 24 hourly or 8 hourly or 1 hourly monitored values. I.S. 5182 (Part 25) states that the period of sampling should not exceed one hour. Both these have been followed. 24 hourly samples collected twice a week for 03 months and the period for which each sample was collected did not exceed 1 hour.

ii. Respondent No. 2 terms objections “hyper-technical”, while it is a settled scientific principle.

- It is reiterated that MUNPL voluntarily undertook monitoring at ten locations. The concentrations were consistently far below the applicable National Ambient Air Quality Standard (NAAQS) of 400 $\mu\text{g}/\text{m}^3$. The Appellant's reliance on a typographical error in one version of the report, which incorrectly showed minimum and maximum values as zero, is misplaced. This clerical error was

acknowledged and rectified in the final EIA report dated 16.04.2025. The laboratory followed IS 5182 Part 25 methodology, and the stray reference to APHA 401 in a table was a clerical mis-citation. This has no bearing on the substantive results, which showed concentrations well within standards. Therefore, the allegations are hyper-technical. The objection raised by the Appellant have been duly responded to and considered by the EAC before grant of E.C.

9. Non compliance of Radiological Test Reports with NABL Accreditation Requirements.

i. ToR (4.5) mandated examination of Radio Activity testing of coal along with Laboratory Reports.

- Samples for coal analysis were collected and test report attached at Annexure-5 of the E.I.A. report of 04-02-2025 (See page 54 of EIA report). The EAC was satisfied with compliance to TOR. (See page 337, para XXIV).

ii. Laboratory Report, considered for the grant of impugned EC, claimed NABL accreditation but lacked NABL symbol (mandatory under NABL 133).

- The specific report is not mentioned. All original reports from pages 18 to 92 (Nos.) with the ADS submitted for consideration before the EAC possess the NABL logo.

iii. No revised report obtained despite objections.

All objection received were duly responded through the ADS on 24-03-2025 and duly considered by MoEF & CC before grant of EC.

iv. Misleading claim of Respondents that test method disclosure is discretionary (refer Para 17 of Appeal; ISO/IEC 17025).

- Earlier raised by MoEF & CC through ADS and the Ministry informed that the test methods were not mentioned in the report as it is the laboratories discretion. However, whenever a client requests the inclusion of test methods, we ensure it.
- Para 7.8.1.3 of ISO 17025-2017 prescribes that when agreed by the customer, the results may be reported in a simple way. Any information listed in paragraph 7.8.2 to 7.8.7 that is not reported to the customer shall be readily available. All data is being meticulously kept on record by the laboratory and is ensured to be available on demand as per NABL and ISO 17025.17 mandate.

10. Non compliance of Heavy Metals in Coal Test Reports with NABL Accreditation Requirements.

i. Reported only as “trace elements” without mandatory identification under ISO/IEC 17025:2017 (Clause 7.8.2(f)).

- The test results presented at page 165 have identified the trace elements as Cd, As, Co, Cr, Cu, Mn, Ni, Pb, Zn, Hg and Ba. All desired information related to trace elements has been shared in conformity to I.S.O. 17025:2017. Trace elements are essential micronutrients in minute quantities in living tissues and are critical for metabolism, oxygen transport and overall growth. They are not produced in the Human body but are obtained from food sources. At page 163 it has been reported that the concentration of these trace elements is within the acceptable limits of BIS (2012) at all the sampling location at all times.

ii. ADS dated 22.03.2025 remains silent.

- The ADS replies dated 22-03-2025 have clearly stated that nickel has been monitored at all the 10 locations within the study area.

iii. Presence of Nickel necessitates undertaking an emission material balance.

- Nickel was not a mandated parameter in the TOR for ambient air quality assessment. However, Ni was included in the Ambient Air Quality program which was conducted to also include periods of running of the existing plant. The results mentioned at Page 140 of the E.I.A. report that metals were also not detected from the study area. At page 163 of the Paper book it has been stated that Trace elements have been found within limits at all the sampling locations for water quality assessments. This period included the running of the existing plant. The applicants contention that NiO is a combustion inhibitor as mentioned in para 9 of the appeal is also denied. NiO is combustion promoter.
- The TOR did not require working out a material balance for 'Ni' nor was it required based on the concentrations of 'Ni' in ambient air, ground water and surface waters as analysed.

11. ToR Non- compliant Occupational Health & Endemic Diseases Data.

i. ToR mandates assessment of occupational health impacts and endemic diseases, along with corresponding mitigation measures. The EIA Report provides only generic statements without any location-specific study, identifiable data source, or defined data period.

- At page 447, as cited, the TOR prescribes (7.7) that 'Assessment of occupational health and endemic diseases of environmental origin in

the study area shall be carried out and action plan to mitigate the same shall be prepared.” The TOR has been suitably responded through pages 447 and 448 where it has been stated that, “The proposed plant consists of a dedicated hospital having all first aid and OHC facilities to plant workmen as well as neighbouring villages. No endemic diseases reported from the study area. The details of endemic diseases have been mentioned in section 7.15.14 (page 322 EIA revised 4-02-2025) and occupational health management are mentioned in section 10.11 of chapter 10 (pages 391 and 392 of EIA 04-02-2025). This was considered by experts, to their full satisfaction before grant of E.C. All desired details were provided. The issue was also examined in the EAC meeting of 04- 04-2025. It was clarified to the EAC through the ADS replies of 22-03-2025 and duly examined by the EAC that, as per the State Acton Plan for Climate Change and Human Health, Uttar Pradesh, Malaria, Filariasis and Kala Azar are the endemic diseases to Uttar Pradesh for 2022-2027 whereas in Prayagraj district, no malaria and Kala Azar have been reported in 2023. Further, local hospitals were also consulted during the study for environmental origin diseases and did not find any of such diseases”. The company is in possession of reports received from Hospitals which could be presented if directed.

12.Failure of MoEF & CC to Adequately Consider Identified Inconsistencies and Subsequent Submissions.

i. EAC recorded inconsistencies but failed to effectively review ADS dated 22.03.2025.

- Page 2035 as referred to by the petitioner refers to the minutes of the E.A.C. meeting held on 24-02-2025 and through which the EAC had deferred the project consideration because of lack of information. The

petitioner has not brought to the notice of this Tribunal that post deferment, the project was considered again by the EAC in its meeting held on 04-04-2025 where the submissions made in response to the ADS were considered by the EAC. The EAC has observed at Para 23.1.21 Page 38 of the minutes that, *“In addition to the above, Ministry was in receipt of representation regarding the instant project. Proponent submitted point wise reply to the said representation through Parivesh on 24-03-2025. The additional information submitted by the proponent on 12-03-2025 and 24-03- 2025 was deliberated in the 23rd EAC meeting held on 04-04-2025”*.

ii. Ambient Air Quality documents are merely tabulated results and do not constitute complete test reports.

- The petitioner has himself attached copies of original test reports in the petition at Annexure-9, from pages 82 to 131. These are reports as issued by the authorised signatories of the Accredited Laboratory. In addition, copies of original test reports have also been furnished frame pages 11 to 92 at Annexures I, II and III of the replies to the ADS submitted to the Ministry on 22-03-2025.

13. Non-Speaking and Arbitrary grant of EC.

i. EC fails to address objections despite specific complaints dated 17.04.2025.

- The Environmental Clearance dated 30.04.2025 is a speaking and reasoned order. The record demonstrates that the EAC considered the representations of the Appellant, the replies filed by MUNPL, and the final EIA report before recommending clearance in its 23rd meeting held on 04.04.2025. The Ministry thereafter applied its independent mind and issued a detailed

clearance order running into 34 pages, setting out the conditions and safeguards for the project.

- The petitioner refers to page 334 which is an observation by the E.A.C. that *“In addition to the above, Ministry was in receipt of representation regarding the instant project. Proponent submitted point wise reply to the said representation through Parivesh on 24-03-2025. The additional information submitted by the proponent on 12-03-2025 and 29- 03-2025 was deliberated in the 23rd EAC meeting held on 04-04-2025”*. The E.C. has taken into consideration the objection raised by the Petitioner.

ii. The EC does not provide any reasons for acceptance or rejection of the objections.

- The Environmental Clearance dated 30.04.2025 is a speaking and reasoned order. The record demonstrates that the EAC considered the representations of the Appellant, the replies filed by MUNPL, and the final EIA report before recommending clearance in its 23rd meeting held on 04.04.2025. The Ministry thereafter applied its independent mind and issued a detailed clearance order running into 34 pages, setting out the conditions and safeguards for the project. It is settled law that an order of an expert body like the EAC, supported by reasons on record, is entitled to judicial deference unless perversity is shown. The Appellant has failed to demonstrate any perversity or non-application of mind. The EC is not required to reflect the entire reasons to satisfy the Appellant.

iii. Project inconsistently classified as “Fresh” and “Expansion”.

- The allegation of the Appellant that the E.C. issued on 30-04-2025 was granted under a ‘Fresh E.C. Category’ is denied as there is no such category in the E.I.A. notification. It has however been considered as a case for a fresh E.C. as an entirely new unit is being set up as part of expansion of the

already existing project as per the provision in the E.I.A. notification of 2006 and the same is not an amendment to the existing E.C. There is no arbitrariness and lack of transparency.

- Merely the nomenclature being fresh or expansion does not affect the EC directly and the same cannot be held to be bad in law based merely on the category it has been put into.

14. Respondent No. 3 is a Necessary and Proper party.

- Respondent No. 3 is EIA. Respondent No. 2 has already presented its case and whether or not the Respondent No. 3 is a proper and necessary party is for this Hon'ble Tribunal to decide.

15. Non-disclosure of Respondent No. 3 in EIA report fails to meet NABET Requirement.


i. Respondent No. 3 has failed to disclose relevant information in the EIA Report, as required under Clause 9.1(g) of the NABET Accreditation Scheme document.

- The contents of chapter 1 of the E.I.A. are covered by Appendix III of the EIA notification of 2006 which only require the following submissions:
 - Purpose of the report.
 - Identification of project and project proponent.
 - Brief descriptions of nature, size, location of the Project and its importance to the region.
 - Scope of study -details of regulatory scoping carried out (as per terms of reference).
- The E.I.A. follows this structure for chapter-I. Additionally, QCI/NABET has prescribed a format for declaration to be made. This format placed at Annexure-VII to the QCI/NABET Version 3 Guidelines does not make a

mention of costs to be provided with the declaration. Therefore, all details and information required to be disclosed have been complied with.

16. That accordingly, the prayer sought in the captioned Appeal is denied and ought to be disallowed with exemplary costs. It is most respectfully prayed that the submissions of the Answering Respondent be kindly taken on record.

Through



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Dated: 30.05.2026

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Advance Service of Filing of Tabulated Arguments in Appeal/46/2025 in the Matter of Sanjaya Kumar Mishra versus Ministry of Environment, Forest and Climate Change & Ors.

Adarsh Tripathi <adarsh912003@gmail.com>

Sat, May 30, 2026 at 12:38 PM

To: "Sanjaya K. Mishra" <sanjayakmishra@hotmail.com>

Cc: "pandeylegal@gmail.com" <pandeylegal@gmail.com>, HITESH BHATT <hiteshbhatt@ntpc.co.in>

Dear Sir,

Please be in receipt of the advance service of Rebuttal Submissions on behalf of the Respondent No. 2 NTPC Ltd to the Tabulated Arguments filed by you.

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 **R2 Rebuttal Submissions to tabular arguments.pdf**
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