

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 16 OF 2025

IN THE MATTER OF:

Rainbow Environments Pvt. Ltd. ...Appellant

VERSUS

Union of India ...Respondent

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THROUGH



Dr. Surender Singh Hooda
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PLACE: NEW DELHI

DATED: 10.01.2026

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**REJOINDER AFFIDAVIT ON BEHALF OF THE
APPELLANT**

I, Sarabjit Singh aged about 60 years S/o Late Sh. Jaspal Singh R/o 1139, Sector 69, Mohali, Punjab – 160062 do hereby solemnly affirm and declare as under:

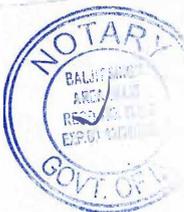
1. That I am the Director of the Appellant Company and duly authorized to represent the Appellant. I state that I am well conversant with the facts and circumstances of the present matter and therefore, I am competent to affirm the present Rejoinder Affidavit.
2. That I have read and understood the contents of the Counter Affidavit filed on behalf of Respondent No. 1 (hereinafter 'Counter Affidavit') in the captioned matter. That the contents of the Counter Affidavit, save and except matters of record and specific admissions hereinafter, are denied in toto. Nothing stated in the counter affidavit may be deemed to be admitted merely for want of specific traversal.
3. That at the outset it is submitted that the Applicant is preferring the present short rejoinder affidavit in lieu of a detailed para wise rejoinder affidavit for the sake of brevity. The Applicant reserves



[Handwritten Signature]

its right to file a detailed para wise rejoinder affidavit if deemed necessary or if so directed by this Hon'ble Tribunal at a later stage. That the contents of the captioned Appeal may kindly be treated as part and parcel of the present Rejoinder and the same are reiterated but are not being repeated herein for the sake of brevity.

4. That at the outset it is submitted that the Respondent has specifically admitted that the case of the Applicant is covered by the exemption granted vide Notifications GSR 702(E) dated 12.11.2024 and Notification GSR 703(E) dated 12.11.2024. That despite being aware that as on date of grant of EC on 02.01.2025, the Appellant was exempted from obtaining CTE, the Respondents have mechanically included condition qua obtaining CTE in the Standard Conditions of EC. On the contrary, the Respondent was duty bound to specifically mention in the EC that the Appellant is exempted from obtaining CTE and is only required to pay the CTE fees. It is submitted that once the Respondent has admitted that the case of the Applicant is covered under the exemption notifications, the prayer (b) of the Appeal qua quashing of Standard EC Condition No. (1)(iv) ought to be allowed by this Hon'ble Tribunal on the basis of this admission alone.
5. That as far as averment of the Respondent qua payment of CTE fees is concerned, it is submitted that the same has already been paid by the Appellant and therefore the same is not in issue in the present Appeal. It is submitted that the Appellant has duly complied with the SOPs issued by the MoEF & CC and the amendments thereto as and when the same were made applicable to the Appellant.
6. That as far as the inclusion of Additional Condition No. 1 in the EC is concerned, it is submitted that the Respondent has



[Handwritten signature]

completely ignored the reply submitted by the Appellant to the Additional Queries raised by the Respondent during the process of grant of EC. It is submitted that the Respondent had sought information pertaining to the status of the CWPs by way of ADS dated 16.11.2024 and the Appellant had duly apprised the Respondent of the status of the CWPs by way of Reply to ADS which is already annexed alongwith the Appeal as Annexure A-10.

7. The Appellant had already informed the Respondent that CWP No. 12493 of 2024 has already been disposed of by the Hon'ble High Court of Punjab and Haryana by relegating the matter to the appellate authority. Furthermore, the Appellant had also informed the Respondent that CWP No. 2115 of 2024 pending before the Hon'ble High Court of Punjab and Haryana does not pertain to the subject project i.e., shifting of bio medical waste treatment facility from existing to the new site for which the EC was granted. It is submitted that CWP No. 2115 of 2024 was filed by the Appellant against the Chairman, PPCB order dated 11.01.2024 whereby the Appellants authorization under Bio Medical Waste Rules 2016 was refused extension on the existing site. It is submitted that out of the two CWPs, one has already been disposed of and the second one does not pertain to the project in respect of which the EC has been granted and has no relevance or bearing to it.
8. That it is completely arbitrary and mechanical for the Respondent to have made the instant EC subject to outcome of Writ Petitions, one of which has already been disposed off and another one which does not even pertain to the subject project. The second CWP does not even pertain to the subject project but has been included merely because the project proponent is the Petitioner in the unconnected writ petition. Furthermore, making the instant EC

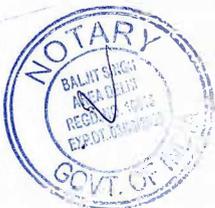


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subject to the outcome of this CWP will result into delay in issuing (Consent to Operate) CTO and start of operations of the project. The delay will also deprive the area of an operational treatment facility which at present in transferring waste to other far off facilities. Hence it is necessary that the said condition is quashed by this Hon'ble Tribunal being unsustainable in law.

9. That as far as the averment of the Respondent suggesting that the Appellant should make appropriate application before the SEIAA and SEAC for any modification in the EC is concerned, it is humbly submitted that the Appellant is not seeking modification of any of the conditions of EC but rather the Appellant has approached this Hon'ble Tribunal seeking quashing and setting aside of illegal conditions imposed by the Respondent while granting the subject EC to the Appellant. It is further submitted that it is only this Hon'ble Tribunal which has the jurisdiction to deal with any objection regarding the EC as per Section 16 of the NGT Act, 2010, and also mentioned at Miscellaneous Condition (xx) of the EC.

10. Furthermore, the Respondent has included the illegal conditions being fully aware of the foregoing facts and circumstances which bring out the illegality of the impugned conditions, therefore, there is no question of modification of the conditions upon application being made by the Appellant. Once the Respondent has included the conditions being fully aware of the applicable exemption notifications and the status of the CWP No. 12493 of 2024 and CWP No. 2115 of 2024 submitted by the Appellant vide its Reply to ADS dated 16.11.2024, the matter is now subject to judicial scrutiny before this Hon'ble Tribunal and therefore it is prayed that this Hon'ble Court may be pleased to adjudicate the present



Appeal on merits. There is no change in circumstances between the time of grant of EC and when suggested application for modification is made and the application can be rejected only on this ground. Hence the illegal conditions need to be quashed and set aside by this Hon'ble Tribunal.

11. That in view of the foregoing facts and circumstances, it is humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow the captioned Appeal as originally prayed for.

for RAINBOW ENVIRONMENTS PVT LTD
DEPONENT
DIRECTOR

VERIFICATION: 10 JAN 2026

Verified at Delhi on this ___ day of January 2026 that the contents of the accompanying Affidavit are true and correct to the best of my knowledge and belief. Nothing stated therein is false and nothing material has been concealed therefrom.

Folemently Affirmed Sworn Before me
Notary Public New Delhi India



for RAINBOW ENVIRONMENTS PVT LTD
ATTESTED
BALJIT SINGH
NOTARY DELHI R-10615
Govt. of India
NEW DELHI
DEPONENT
DIRECTOR

My Commission will expiry on 03-06-2029

10 JAN 2026



Surender Singh Hooda
<sshoda65@gmail.com>

NGT//Appeal No. 16 of 2025// Rainbow Environment vs Uoi

Surender Singh Hooda
<sshoda65@gmail.com>

Sat, Jan 10, 2026 at
6:34 PM

To: Suhasini Sen <Suhasini.Sen@gmail.com>

Dear Ma'am,

PFA the Rejoinder on behalf of the Appellant in the captioned matter.

Warm Regards,

Dr. S.S.Hooda
Advocate On Record
Supreme Court of India
B-40,L.G.F, NDSE-II, 49
09868280166



RAINBOW ENVIRONMENT REJOINDER

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