

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

APPEAL NO. 42/2024

IN THE MATTER OF:

M/S GUPTA OIL MILL DEPOT ...APPELLANT

VERSUS

UTTAR PRADESH POLLUTION CONTROL BOARD
...RESPONDENT

**REJOINDER ON BEHALF OF THE APPELLANT
WITH AFFIDAVIT**

(FOR INDEX: - Kindly See Inside)

**New Delhi
Dated 29.07.2025**

FILED BY

Shariq

Mansi

**S.A ZAIDI & MANSI CHAHAL
ADVOCATE**

CHAMBER NO- 7, TRISHUL TOWER
KAUSHAMBHI, GHAZIABAD U.P

(M):8377863559

EMAIL: mansichahal104@gmail.com

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MOST RESPECTFULLY SHOWETH:

1. That the above captioned appeal is pending for adjudication before this Honourable Tribunal and is coming up for hearing on 07.08.2025.
2. That the present rejoinder is being filed in response to the reply filed by the UPPCB.
3. That the Respondent has issued the impugned/ closure order dated 26.09.2024 on the grounds alleging use and discharge of untreated water into the local sewage system, the noise pollution

caused by oil spilling machine and the operation of the unit/ shop without obtaining Consent/NOC from the UPPCB. The Appellant herein reiterates that:-

- a. The allegation that the Appellant uses water for washing of the floor and vessels and discharges the same untreated into the local sewage is completely false and misconceived. No water is used for washing any machinery or vessels. The oil spiller is never washed with water but cleaned by dismantling and wiping its parts manually. The floor of the small premises is swept and mopped using minimal water, and no wastewater is discharged outside or into the sewage. The Appellant operates a very small unit with only two workers, which does not generate any trade effluent requiring treatment or disposal infrastructure.

- b. The Appellant submits that only one small oil spilling machine operates at the premises, which does not produce any substantial noise beyond ambient levels. The Appellant further submits that the said machinery has been in operation for several years and there have been no complaints from any neighbour or anybody about noise pollution ever in the past.
- c. The Appellant humbly submits that he is an aged and illiterate person and was completely unaware of the requirements to obtain Consent/NOC from UPPCB for such a small green category unit from the UPPCB. The Appellant's premise is a small oil depot/shop, with only two employees and limited operations. Moreover, the Respondent never communicated the appellant informing about consent

requirements for such units. The Appellant submits that there was no mala fide intention to violate the law. Due to his lack of education and resources, he was unable to obtain the required consent.

4. That Moreover, it is falsely alleged by UPPCB that the Appellant is operating his unit in a residential area. In this regard, the Appellant respectfully submits that several other commercial shops and establishments are also operating in the same locality, but No action has been initiated by UPPCB against any of these similarly situated units, and only the Appellant is being targeted, which indicates clear arbitrariness and mala fide intention on part of the UPPCB officials.
5. The Appellant respectfully submits that the impugned/ closure order has caused extreme hardship to the Appellant, who is an aged man and the sole earner of his family. The closure of

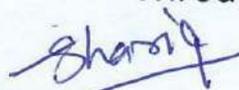
this small shop has deprived him of his only source of livelihood, and left him financially shattered.

6. That the present rejoinder is being made bonafide in the interest of justice.

New Delhi
Dated: 29.07.2025

Appellant

Through



S.A. ZAIDI & MANSI CHAHAL
ADVOCATES

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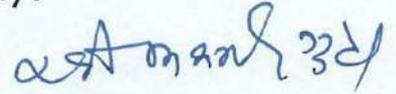
AFFIDAVIT

I Ravi Kishore Gupta, Proprietor of Gupta Oil Mill Depot at 119/82-New(119/47-Old), Naseemabad, Bamba Road, Kanpur, Uttar Pradesh, presently at New Delhi do here by solemnly affirm and declare as under:

1. That I am the Appellant in the above noted case therefore I am fully conversant with the fact of the case I am competent to sign and swear this Affidavit.
2. That the accompanying Rejoinder has been drafted by my counsel and the same has been read over and explain to me and I say and declare that the same are true and correct.



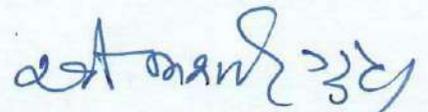
3. That the Contents of accompanying Rejoinder be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.



DEPONENT

VERIFICATION

Verified at Delhi on this 29 JUL 2025 day of 2025 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.



DEPONENT

ATTESTED

NOTARY
DELHI (INDIA)

29 JUL 2025

