

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

(Under Sec. 18(1) read with Sec. 14, 15 and 16 of the NGT Act, 2010)

**ORIGINAL APPLICATION NO. 1152 OF 2024**

**IN THE MATTER OF:**

SUDHIR KUMAR JHA

APPLICANT

VERSUS

GORAKHPUR INDUSTRIAL

DEVELOPMENT AUTHORITY & ORS.

RESPONDENTS

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Delhi

Dated

APPLICANT

THROUGH

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**REJOINDER FILED BY THE APPLICANT TO THE REPLY  
FILED BY THE U.P. POLLUTION CONTROL BOARD i.e.  
RESPONDENT NO. 1, 2 & 4**

**Most Respectfully Showeth:**

1. That the present rejoinder is being filed against the replies filed by the respondent no.1,2, & 4 in the above captioned matter.
2. That the Applicant denies each and every averment made in the replies filed by the Respondents “ad verbatim in seriatim” unless the same is matter of record and expressly admitted herein, and nothing shall be deemed to be admitted for want of specific traverse.
3. It is submitted that the replies of the Respondents are vitiated with wilful misstatements and misrepresentations, with the

singular objective of causing distraction and bias against the Applicant. The replies of the abovementioned Respondents are vague and ambiguous, and is silent on the facts and grounds raised by the Applicant in the Original Application.

4. That the reply of the Respondent serves the sole purpose of misleading and wasting the precious time of the Court by deviating from the contentions raised by the applicants.

#### **PRELIMINARY SUBMISSIONS**

1. The Applicant is a law abiding, vigilant citizen of India. That the respondent no.2 is operating an industry in Sahjanwa, Gorakhpur, Uttar Pradesh. The chimneys of the industry are polluting the air quality of the regions nearby, wherein it is causing health issues to the residents of the vicinity surrounding the industry.
2. Before filing of the present application, the applicant has raised this issue before the concerned authority. However, no action has initiated.
3. The applicant has relied on pictures recent photographs of nearby vicinity of the industry of Respondent no.2, whereby it is clearly shown that smoke and ashes are emitted from the

industry. It can also be seen that due to such smoke and ashes the discoloration of the automobiles can as well be seen. The amplified damage it is causing to human life is immeasurable.

4. That Ankur Industries Ltd., Steel Division, AL-2, Sector-23, GIDA, Sahjanwa, Gorakhpur has not been following any legal provisions of the Pollution Control Board. Even the officials of the Pollution Control Board do not inspect the industry regularly or issue notices or challans on time.
5. Further it is necessary to mention that when the applicant personally visited the village to see the problems, wherein it was found that the industry is being run by circumventing every legal provision.
6. The Respondent No.2 has never followed the conditions of the Environmental Clearance or Consent Letter issued by the board. That the air quality around the premises of the industry are not being tested in a NABL-accredited lab, nor any such report is being sent to the board on monthly basis. That unloading of coal, iron ore, and railway track is done in

open spaces in the industry premises, leading to pollution due to lack of proper storage facilities.

7. That since the establishment is near the residential boundary of Sahjanwa Nagar Panchayat, the industry has failed to build complete boundary walls. The low boundary walls are resulting in spreading of dust and ash, thereby causing health hazards to the residents of nearby villages
8. That the smoke belched out from the Respondent Industry has made the environment inhabitable for the residents, further the pollution is so severe it is causing respiratory diseases and other problems for residents living nearby.
9. That the ash generated from the use of inferior fuel and combustion in the industry premises is accumulating and, due to wind, disperses into the air, thereby deteriorating air quality. The industrialist is responding to the court with false and vague replies and is not paying attention to any other matter except saving himself. The local Pollution Control Board officials are complicit and are covering up all complaints, failing to provide true information.

10. That Respondent industries Ankur Industries Ltd. and Gallant Industries Ltd. are set up near residential areas of Sahjanwa Nagar Parishad. That due to lack of high boundary walls, the resulting dust and ash from these industries are freely spreading, affecting the air and health of the local population. The Pollution Department officers receive illegal benefits from industrialists and submit false reports that mislead the government and courts.
11. That no green belts have been developed near residential areas by the industry. A few small plants have been planted inside the premises, merely for display. Most of them have now withered. If an inspection is conducted as per Hon'ble Tribunal's direction, the truth will come out.
12. That the ash generated by fuel burning is being scattered around and not managed properly. Further wet ashes are not being disposed of in an appropriate/prescribed manner. The vehicles carrying the ashes outside the premises are causing hardship to the local population. Hence, the industry either has no policy for waste disposal or has no knowledge of it,

and in either case, the residents are suffering at the hands of such big industries.

13. That the Respondent No. 2 has not complied with any order issued by the Uttar Pradesh Pollution Control Board. He also disregarded the notice dated 11/04/2025 issued for disposal of the matter and failed to respond within the stipulated time. The Respondent No. 2 tries to appease all complaints by making declarations in the name of the Chief Minister to the local authorities and blames the local authorities for the lack of response.
14. That in his reply, Respondent No. 2 has submitted photographs showing that only 100 plants have been planted in the name of pollution control, whose growth and development themselves reflect the carelessness.
15. That the local District Magistrate, Gorakhpur Industrial Development Authority's Chief Executive Officer, and Pollution Control Board officials do not inspect the industries due to fear of industrialists. It is submitted that the respondents are working in connivance with each other. Therefore, it is in public interest and extremely necessary

that a Judicial Magistrate orders a comprehensive inspection of the entire industrial premises by the National Green Authority.

**REPLY ON MERITS TO THE REPLY FILED BY THE RESPONDENT**

1. The Applicant herein denies each and every averment made in the present reply “ad verbatim in seriatim” unless the same is the matter of record and expressly admitted herein. It is further submitted that the para wise contents of the reply filed by the respondents are denied except for the limited extent that is matter of record. The Applicant herein craves leave of this Hon’ble Tribunal is sought to make further oral submission at argument stage instead of giving para wise detailed rejoinder to the reply of the respondents. The applicant further seeks leave of this Hon’ble Tribunal for amending present rejoinder if required at later stage.

2. In the light of the above, the Applicant humbly prays that the present OA preferred by the Applicant be allowed.
3. All the statements made in foregoing rejoinder are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Delhi

Dated

APPLICANT

THOUGH

Vishal Arun Mishra, Rupali Panwar,  
Shubham Gupta  
17, Central Lane, Bengali Market,  
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O.A. No. 1152 of 2024

**In the matter of:**

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.... APPLICANT

VERSUS

GORAKHPUR DEVELOPMENT AUTHORITY

& ORS.

....RESPONDENTS

**AFFIDAVIT FOR PROOF OF SERVICE**

That the abovementioned Applicant most respectfully showeth:

I, Sudhir Kumar Jha, R/o Civil Lines, Golghar, Gorakhpur-273001, do hereby solemnly affirm and declares as under:

1. That the deponent is the applicant in Original Application No. 1152 of 2024 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi and hence is incompetent to file the present affidavit.
2. That the deponent states that Hon'ble National Green Tribunal, Principal Bench, New Delhi directed the deponent to file a rejoinder to the reply filed by the Respondents. The deponent has read the deponent has read and understood the

*[Handwritten signature]*  
8/8/25

*[Handwritten signature]*  
Sudhir Kumar Jha

contents of the rejoinder accompanying the present affidavit.  
That nothing material has been concealed therefrom.

3. I have read the contents of the rejoinder are true and correct to my knowledge and no part of it is false and nothing has been concealed therefrom.

**DEPONENT**

**VERIFICATION**

Verified at Gorakhpur on this August 08-2025 that the contents of the above Affidavit are true and correct to my knowledge, no part of it is false and nothing has been concealed herein.

*Sudhanshu Sr*

**DEPONENT**



*Identified*  
*Ch. D.*  
*Arroodi*  
*08.08.2025*

*105 (598)*  
*Sudhanshu Sr*  
to deposit his thumb impressions on the

*8.8.25*  
*Ch. D.*  
*Ramesh Chandra Pandey*  
*NOTARY*  
*GORAKHPUR*  
*8.8.25*

The screenshot displays a Gmail web interface. At the top, the browser address bar shows the URL: `mail.google.com/mail/u/0/#sent/QgrcJHsNkdndHZhkhCGSbqwQCpdQpDXclrg`. The search bar contains the text "in:sent". The left sidebar shows navigation options: Compose, Inbox (58), Starred, Snoozed, Sent (highlighted), Drafts (10), and More. The main content area shows an email thread with the subject "Rejoinder on behalf of applicant in Sudhir Kumar Jha v. CPCB & Ors". The sender is "Umang Mangal" with the email address "advumang.mangal@gmail.com". The email body reads: "Respected sir, Please find the attached document as the rejoinder to the reply filed by CPCB in the above mentioned subject. Kindly acknowledge the same." Below the text is a scanned PDF attachment titled "NGT rejoinder fin...". A second email in the thread is partially visible, also from Umang Mangal to "sthaviasthana@gmail.com". At the bottom, a notification bar asks to "Enable desktop notifications for Gmail." with "OK" and "No thanks" options. The Windows taskbar at the very bottom shows the time as 1:34 PM on 8/12/2025.