

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

(ORIGINAL APPLICATION NO. 628/2024)

IN THE MATTER OF

ALOK MOHAN

(APPLICANT)

VERSUS

HARYANA STATE POLLUTION CONTROL BOARD & ORS.

(N.D.O.H. 09.09.2025)

Applicant's Rejoinder to the Reply filed by Respondent No. 2 on 06 September 2025 (Escorts Kubota Limited)

Respected Sir, Madam,

1. Preliminary Submission

At the outset, I strongly deny the allegations made by the Respondent branding my application as "frivolous," "baseless," or "conjectural." The present matter concerns the environmental and health impacts of a polluting industry situated in a densely populated residential area of Faridabad. Instead of addressing the fundamental illegality and the grave health consequences of its operations, the Respondent seeks to divert attention by relying upon selective reports and making personal insinuations against the Applicant.

It is difficult to comprehend what additional evidence the respondent could deem necessary, beyond the presence of a large-scale, dangerously polluting industrial facility located immediately adjacent to a densely populated residential area, violating, national and international environmental standard requirements.

2. Point-by-Point Rebuttal to Respondent's Reply

(i) On the processes described (para 1 of Respondent's reply):

The Respondent describes machining, assembly, and painting operations. These processes inherently involve solvents, VOCs, and particulate matter. Such operations fall under **red/orange category industries**, which as per CPCB/MoEFCC guidelines cannot be located in or near residential neighborhoods. The Supreme Court in *M.C. Mehta v. Union of India* (Taj Trapezium case, (1997) 2 SCC 353) held that polluting industries must not be permitted in sensitive zones and must be relocated if harmful to public health.

(ii) On reports dated 01.05.2025 and 28.08.2025 (para 2):

The Respondent relies on HSPCB reports showing parameters "within prescribed limits." It is submitted that:

Spot or short-term sampling does not reflect chronic, long-term exposure.

Permissible limits are regulatory thresholds, not guarantees of safety in residential settings.

The Hon'ble Supreme Court in *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647 clearly held that industries must comply not only with technical norms but also with the **Precautionary Principle** and **Sustainable Development** principles.

In any event, by the Respondent's admission, critical safeguards (ZLD and acoustic enclosures) are not yet operational, which means current compliance, itself, is incomplete.

(iii) On supplementary reports and compliance claims (para 3):

The issuance of supplementary recommendations by HSPCB proves earlier measures were inadequate. In *A.P. Pollution Control Board v. Prof. M.V. Nayudu* (1999) 2 SCC 718, the Supreme Court emphasized that in matters of pollution, the Tribunal must adopt a precautionary approach, since scientific certainty is often lacking.

(iv) On promises of future compliance (para 4):

The Respondent admits that ZLD will only be operational by March 2026. This amounts to an admission that present operations are not compliant. The Supreme Court in *M.C. Mehta v. Union of India* (Oleum Gas Leak case, (1987) 1 SCC 395) held that industries handling hazardous processes must ensure **absolute liability** for harm caused and cannot operate without full safeguards in place.

(v) On allegations of conjecture and frivolousness (para 5):

The Respondent dismisses genuine health evidence as frivolous as I had stated that the medical evidence is available at Amrita Hospital Faridabad. (biopsy showing carcinogenic growth in one of my wife, multiple skin lesions). The Supreme Court has repeatedly recognized the **Right to Clean Air and Water as part of Article 21** (Please see *Subhash Kumar v. State of Bihar* (1991) 1 SCC 598). To trivialize such submissions is contrary to both law and equity.

(vi) On their claim that reports discredit my submissions (para 6):

The reports cannot negate or “discredit” medical harm already evident in affected residents. These reports are technical assessments with inherent limitations and cannot override lived experiences of pollution-induced suffering. Further, even if emissions are technically within limits, the very siting of a hazardous industry amidst residences remains a violation of CPCB/MoEFCC guidelines. The Supreme Court in *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212 held that compliance reports do not absolve industries of liability where harm to health and environment is evident, and the **Polluter Pays Principle** applies strictly.

(vii) On reference to earlier replies (para 7):

Repeated reliance on earlier replies or supplementary reports does not cure the fundamental illegality of siting a hazardous industry in a residential colony. The Hon'ble Supreme Court in *M.C. Mehta v. Union of India* (Delhi Industries Relocation case, (2004) 6 SCC 588) ordered closure/relocation of industries operating in non-conforming/residential areas, recognizing the primacy of public health over industrial convenience.

3. Violation of Siting Norms and International Standards

The Respondent's unit, being a red category industry, is operating in Sector 15A, Faridabad, a designated residential sector. This is in direct contravention of CPCB/MoEFCC siting guidelines and settled jurisprudence (*Delhi Industries Relocation case*).

Further, India is bound by **international environmental obligations**:

Stockholm Declaration, 1972 (Principle 1): Man has the fundamental right to adequate conditions of life in an environment of a quality that permits a life of dignity and well-being.

Rio Declaration, 1992 (Principle 15): The Precautionary Principle mandates that lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.

World Health Organization (WHO) Air Quality Guidelines (2021 update): Even pollutant levels below national “standards” can still harm health, especially in urban residential zones.

The continued presence of a polluting industry in a residential area violates both national and international standards to which India is a signatory.

4. Health Impacts on Residents

The Respondent seeks to trivialize genuine health impacts. I reiterate:

My wife’s biopsy has confirmed carcinogenic growth by specialist s at Amrita hospital, Faridabad.

Both my wife and I have developed multiple moles and skin lesions.

Medical science links long-term exposure to industrial pollutants with carcinogenic and dermatological impacts.

The Supreme Court in *Charan Lal Sahu v. Union of India* (1990) 1 SCC 613 (Bhopal Gas case) recognized the long-term health consequences of industrial pollution and the duty of the State and judiciary to safeguard citizens.

5. Prayer

In light of the above submissions, national case law, and India’s international commitments, it is most respectfully prayed that this Hon’ble Tribunal may be pleased to:

Reject the Respondent’s attempt to dismiss the Applicant’s concerns as frivolous.

Direct immediate relocation or closure of the Respondent’s polluting industry from the residential vicinity of Sector 15A, Faridabad.

Order an independent environmental audit and health survey of residents in the affected area.

Award appropriate compensation and remedial measures under the **Polluter Pays Principle**.

Pass such further orders as this Hon'ble Tribunal may deem fit in the interest of justice, equity, and environmental protection.

Filed by:



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07th Sept 2025

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