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BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT PRINCIPAL BENCH NEW DELHI
O.A NO. 636 OF 2022

IN THE MATTER OF: -

ASHISH CHAUBEY

APPELLANT

VERSUS

ACP TOLL PLAZA PRIVATE LIMITED

RESPONDENTS

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PLACE - NEW DELHI
DATE- 25.0702023

PETITIONER



THROUGH

K.R. FARIDI

*Advocate on Record
Supreme Court Of India.*

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT PRINCIPAL BENCH NEW DELHI**

ORIGINAL APPLICATION NO. 636 OF 2022

IN THE MATTER OF:

ASHISH CHAUBEY

APPLICANT

VERSUS

ACP TOLL PLAZA PRIVATE LIMITED

RESPONDENT

REJOINDER ON BEHALF OF APPLICANT

PRILIMINARY SUBMISSIONS AND REPLY:

1. I say that except those which are matters of record and are specifically admitted in the present rejoinder, all the statements, averments and submissions made by the respondents are specifically and categorically denied by the answering applicant.
2. That applicant is a nature admirer and a responsible citizen concern towards nature and its habitat. Applicant has concealed nothing from the Hon'ble Tribunal. Objection of respondent no. 1 in Para no. 1 to 3 of their reply are baseless and deserve no reply.

Applicant is himself a lawyer and being a concerned and a responsible citizen applicant is trying to expose respondents who are making profits by putting nature at stake.

3. That applicant has a very much locus in the present O.A, applicant being a responsible citizen of the country. It is a fundamental duty of every citizen of the country, as the Constitution of India calls upon every citizen of the country under article 51A clause (g) to protect and improve the natural environment including forest, lakes, rivers and wildlife and have compassion for living creature. Present O.A filed by the applicant only concerned with preservation of our degrading nature and contribution for towards safety of voice-less natural habitat, which deserve every kind of attention and protection.
4. Allegations made in para 4 of the reply filed by the respondent are highly objectionable and deserve to be condemned by this Hon'ble Tribunal in strongest possible way. All such allegation made against the applicant is just to threaten him, without any evidence and to divert Hon'ble Tribunal from the merit of O.A in which this Hon'ble Tribunal was pleased to issue notice.
5. That petitioner is himself bearing the cost of this litigation just for the sake of nature and their habitats and protection of Environment.

6. That applicant lodge very strong objection to the reply of respondent no. 1 in para no. 4 of their reply which states "same has been filed with malafide intention to blackmail and extort money from the respondent no. 1." Such contention of the respondent no. 1 is totally unacceptable and condemnable in possible strongest words. Such attempt of the respondent no. 1 is nothing but to brought the applicant to a public shame and a threats to an environmentalist, who is really concern about the nature and well being of its habitat.
7. That contentions raised by the respondent no.1 in their reply in para 6 and 7 are baseless and deserved to be decided by this Hon'ble Tribunal on merit. Applicant has concealed nothing from the Hon'ble Tribunal; applicant has no knowledge of any such case referred by the respondent.
8. That very genuine cause of action is rose due to illegal construction of permanents nature, without following norms and rules laid down under the law, to which was brought before the Hon'ble Tribunal. Upon considering the O.A filed by the applicant, this Hon'ble Tribunal was pleased to issue notice and also constituted a committee to submit report of factual position. Committee constituted had submitted its report stating that construction was made without requisite NOC and and also not as per layout plan.

9. That contentions raised in para 9 and 10 of reply is already explained. Para 11 of the reply deserve no reply.
10. That in the construction of toll plaza and residential building is in violation of the guidelines of the Joint Committee and therefore causing irreparable loss to the Kaimoor Wildlife Sancturay. Recently due to their illegal construction, one Leopard was found dead due to vehicular traffic in their natural habitat.
11. That contention raised by the respondent no. 1 in their reply in para no 12 and 13 are false and baseless. Permanent illegal construction has been made there by flouting norms laid down by the State Government and the Central Government. Committee report also suggested that construction was made in Kaimoor Wildlife Sanctuary area.
12. That contention raised in para no. 15and 16 of their reply is false and baseless. Construction was not made in accordance with law and had ignored the guidelines issued in reference to Eco Sensitive Zone by the State Government and the Central Government. Documents pertains to non compliance of norms by the respondent have already been placed on record by the applicant. Committee report also suggested that constructed land fall within Eco Sensitive Zone of Kaimoor Wildlife Santuary area.

13. That contention raised in para 18 and 19 of reply is already explained above.
14. That contentions raised by the respondent no. 1 in their reply in Para 22 is again unacceptable and highly condemnable & objectionable. Application lodge objection of the same very strongly before the Hon'ble Tribunal.
Any such allegations made against the applicant without any proof are required to be taken on record by this Hon'ble Tribunal.

Respondent no. 1 by putting such baseless allegation against the applicant is not only trying to threat the applicant but also brought down reputation and integrity of the applicant. By making such allegations respondent's wants to stop the applicant and all alike environmentalists, therefore, respondent could carry out anti- nature activities by putting nature and their habitat at the stake to carry their commercial activities.

15. That contentions raised by the respondent no. 1 in their reply in Para 23 to 27 bears no merit, factually wrong and misleading, moreover the same is pending before this Hon'ble Tribunal for determination.
16. That contentions raised in para no. 28 to 37 deserve no reply and same is to be decided by this Hon'ble Tribunal on merit.

17. That contentions raised in Para no. 1 to 4(iv) of Para wise reply by respondent, deserve no reply, as the same has been already explained above.
18. That contentions raised in para no. 4(v) of para wise reply by respondent is false, speed post receipt of the notice is already annexed with O.A., moreover respondent have not paid any heed to the notice served. Therefore, applicant approached before this Hon'ble Tribunal.
19. That it is humbly submitted before this Hon'ble Tribunal that respondent no. 1 is trying to mislead the Hon'ble Tribunal.
20. That contention raised regarding limitation is misconceived. O.A is filed well within the limitation as provided in the statute.
21. That it is also humbly submitted that respondent has not come with clean hand before this Hon'ble tribunal.

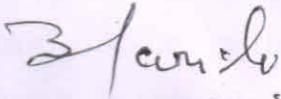
PRAYERS

Under the circumstances, it is most respectfully prayed that this Hon'ble Tribunal be pleased to:

1. Pass an order for demolition of illegally constructed Toll Plaza and residential building in the Kaimoor Wild Life Division.

2. Direct the respondent to refrain from making any false and baseless allegation against the applicant, which could not deter any other environmental activist from exercising their Fundamental Duties.
3. Taken all baseless allegation made against the application be taken on record and dealt with iron handed, to protect the integrity of the applicant.
4. Pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case

AND FOR THIS ACT OF KINDNESS AND JUSTICE, THE APPLICANT AS IN DUTY BOUND, SHALL FOREVER PRAY.


(K. R. FARIDI)
ADVOCATE FOR THE
APPLICANT

(ADVOCATE-ON-RECORD)
SUPREME COURT OF INDIA

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RESPONDENT

AFFIDAVIT

I, Ashish Chaubey, applicant, aged about 33, Delhi, New Delhi Pin:- 110001, do hereby solemnly affirm and declare as under:

1. I the deponent is the applicant of the above said OA. I am now well aware of the facts of the above said OA, hence deponent is competent to swear this affidavit before this Hon'ble Tribunal.
2. I have gone through the Rejoinder Affidavit under reply and have understood the contents thereof.
3. The applicant craves leave of this Hon'ble tribunal to read the contents of same as integral part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity



DEPONENT

VERIFICATION:

Verified at Delhi on 17 MAY 2023 / 17 / 2023 that the contents of my above affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therein.

IDENTIFIED

DEPONENT



17 MAY 2023



ATTESTED
NOTARY PUBLIC DELHI
GOVT. OF INDIA
Mob.: 9654768498