

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO.272 OF 2024

IN THE MATTER OF:-

DEEPANK KUMAR SHARMA & Ors.

... APPLICANT

Versus.

UNION OF INDIA & ORS.

... RESPONDENTS

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New Delhi

Dated: 17-12-25

[VISHWENDRA VERMA] & [SHIVALI]

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

[Under Sections 18(1) read with Sections 14 & 15 of the National
Green Tribunal Act, 2010]

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... APPLICANT

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... RESPONDENTS

**REJOINDER ON THE BEHALF OF APPLICANTS TO THE
ADDITIONAL AFFIDAVIT FILED BY THE RESPONDENT NO. 10
(DINESH KUMAR SHARMA) ALONGWITH AFFIDAVIT.**

MOST RESPECTFULLY SHEWETH

1. That it is clear from the Affidavit that at every point the Respondent is taking shelter of incorrect facts and even though the DFO filed the Affidavit on 07.08.2024 categorically stated that the Respondents used the acid to destroy the trees, thereby no plea of the Respondents can be entertained in respect of their illegal acts.
2. That the records clearly shows that even after so called transfer the activities shown by the Respondent in the Affidavit are illegal acts and the sale deed shown in respect of the property are not acceptable in accordance with law. The Respondents have changed the stand and the version stated earlier changed by the Respondent. The sale deed of Khasra No. 2119, 2123, 2124 which was sold on 27.08.2025 (as mentioned by Respondent No. 10 in his affidavit filed on 05.12.2025) that has not been attached by Respondent No. 10

in the affidavit filed on 05.12.2025. The Sale Deed was not attached by the Respondent No. 10. Therefore, the hide and seek play of the Respondent No. 10 could not be admitted in the present matter. The Respondent No. 10 deliberately did not place the said Sale Deed of Khasra No. 2119, 2123, 2124 before this Hon'ble Court.

3. That in the affidavit filed by Respondent No. 10 on 27.11.2025, the Respondent No. 10 specifically mentioned that he is still the owner of Khasra No. 2119, 2123, 2124, 2128. However, in an affidavit filed by Respondent No. 10 on 05.12.2025 after date of hearing on 01.12.2025, the Respondent No. 10 has mentioned that Khasra No. 2119, 2123, 2124 was sold on 27.08.2025 which is misleading and tried to distort the facts and placed wrong averments before this Hon'ble Tribunal which are contradictory to the previous affidavit filed on 27.11.2025.
4. That in the affidavit filed by Respondent No. 10 on 05.12.2025, the Respondent No. 10 has mentioned that the trees are/were intact in Khasras nos. 2128, Respondent No. 10 was also owner of khasras Nos. 2119, 2123, 2124 from the date of court proceedings till 27.08.2025. Respondent No. 10 has attached permission from DFO (dated 29.09.2025) (applied by Mohammad Islam Rashid) to cut the trees. It is evident from the Affidavit that, if, the Respondent No. 10 has sold Khasras 2119, 2123, 2124 even though it is not clear whether the permission obtained by the Respondent from the DFO and also not clear that the number of trees cut by the Respondent from particular Khasras and the said vague averments submitted

in the Affidavit clearly shows the intent of the Respondent. It is submitted that the environmental compensation report submitted clearly states that the Respondent tried to pray tactics while filing the Affidavit as the evidence are against the Respondent No. 10. The Environmental Compensation imposed by the UPPCB is in accordance with law and the specific calculation have been given by the UPPCB and thereby the Respondents are liable to pay environmental compensation to cause loss to the environment. All appropriate remedies were taken while examining the law and EC was imposed by the UPPCB. The Respondent No. 10, even did not deny about the cutting of trees in connivance with the forest department. Even though, the so called report submitted wherein the trees have been shown as ailing trees and the said report is dated 29.09.2025. After cutting the trees, how the report can be procured pertains to the trees. It is further submitted that the Reports submitted on the plain papers which creates doubt and even though, there are no diary number on the said reports dated 01/08/2024. Even though the records of land pertain to and attached.

5. That the report submitted by Shri Pramod Kumar Lekhpal dt. 18.05.2024 is on normal paper with no letter head and has not mentioned clearly the numbers of trees infected/diseased out of total trees. This inspection report was submitted 4.5 months later from the application applied by Respondent No. 10 on 02.01.2024.
6. That after the NGT order dated 31.05.2024 to issue bailable warrant of DFO, the DFO has inspected khasras 2119 to 2128

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on 01.08.2024 with no letter head this is misleading that DFO has not inspected prior. This inspection certificate is also not on letter head of District Forest Department and the then DFO has given permission on letter head on 29.09.2025.

7. That the permission of DFO on 29.09.2025 has shown that 26 trees are infected. 5-10 can be counted as infected however major trees were reported as infected by DFO. There are still 42 trees remaining as per Respondent No. 10. It has been observed that Respondent No. 10 along with his partner has cut down all the trees even after getting permission, what are the ailments are also not indicated in the Report. Therefore, the entire reports are bogus and cannot be relied.

Therefore, the present Affidavit filed by the Respondent No. 10 is a contemptuous act to mislead this Hon'ble Tribunal. It is also submitted that the illegal acts of the Respondents cannot be harped by saying that the Applicants are torturing and harassing the Respondents. It is requested that an appropriate legal action may kindly be taken against the Respondent for committing illegalities and also illegally cut down the trees in accordance with law. The Forest Report submitted by the Forest Department for recovery of the Environmental Compensation.

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to impose heavy penalty on the Respondent No. 10 for wrongly submitting the averments in the affidavit and also tried to mislead this Hon'ble Court on false pretext in the interest of justice.

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To grant any other and further orders which may be deemed fit and proper in the interest of the justice.

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

Deepank

Signature of the Applicant

New Delhi
DATED:

[VISHWENDRA VERMA] & [SHIVALI]

Advocates for the Applicants
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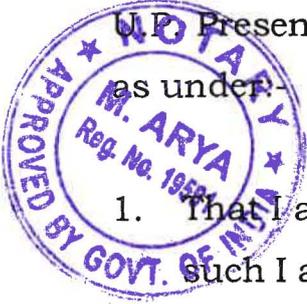
... RESPONDENTS

AFFIDAVIT

I, DEEPANK KUMAR SHARMA, S/o Shri Dinesh Kumar Sharma, aged about 38 years, R/o 1810, Mandi Railway road, Near Sarvodaya Inter College, Railway Road, Pilakhuwa, Tehsil Hapur, U.P. Presently at New Delhi, do hereby solemnly affirm and state

as under:-

1. That I am the Applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this affidavit.
2. That the contents of this Affidavit has been drafted by my counsel as per instructions and I have been read over the contents thereof and I understood the same.



3. That the contents of this rejoinder are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.

Deepank

DEPONENT

VERIFICATION:

Verified at Delhi on this the day of December, 2025 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge, information and belief, no part of it is false and no material has been concealed therefrom.



Deepank

DEPONENT

ATTESTED
[Signature]
NOTARY PUBLIC

1 / DEC 2025