

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025**

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

NDOH: 12.11.2025

**REJOINER TO THE ADDITIONAL REPLY FILED BY RESPONDENT NO. 1 –
CPCB DATED 05.08.2025, AFFIDAVIT DATED 12.08.2025 AND TO THE REPLY
DATED 16.08.2025 FILED BY RESPONDENT NO. 2**

ANNEXURE NUMBERS CONTINUE FROM OA

INDEX

S. No.	Particulars	Page No.
1.	Rejoinder to the Additional Reply Dated 05.08.2025, Affidavit Dated 12.08.2025 filed by Respondent No. 1	1-5
2.	Rejoinder to the reply Dated 16.08.2025 filed by Respondent No. 2	6-23
3.	Affidavit	24
4.	Annexure - A/17: Applicant's Details	25-27
5.	Annexure - A/18: Disclosure of Test Reports	28
6.	Annexure - A/19 Documents regarding CIC Order	29-42
7.	Proof of Service	43

Place: Gurugram
Date: 07.11.2025

(FILED BY)

Sanjaya Kumar Mishra

Sanjaya Kumar Mishra

Applicant-in-Person

Mobile No. 9818326647

Email: sanjayakmishra@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025**

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

**REJOINDER TO THE ADDITIONAL REPLY FILED BY RESPONDENT NO. 1 –
CPCB DATED 05.08.2025, AFFIDAVIT DATED 12.08.2025**

MOST RESPECTFULLY SHOWETH:

1. That the Hon'ble National Green Tribunal (hereinafter referred to as "Hon'ble NGT") was pleased to pass an Order dated 20.08.2025, permitting the Applicant to submit a Rejoinder to the Additional Reply filed by Respondent No. 1 (CPCB).
2. The contents of Paragraphs 1 to 3 of the Additional Reply submitted by Respondent No. 1 are of introductory nature or partly a recital of facts/orders issued by the Hon'ble NGT, and therefore do not call for any specific comment or response at this stage.
3. It is respectfully submitted that in Paragraph 4 of the Additional Reply, CPCB has stated about its **inspection dated 19.12.2023** wherein the field data sheet was checked and it was filled in a **controlled format**. The 'Field Data Sheet' originated from the submissions of CPCB (**Page No. 378**), and has been repeatedly referred to in their records. **The term "Controlled Format" was not used in any prior submission or Reply of CPCB. It has come for the first time in this Reply.**
4. The last line of Paragraph 4 of the CPCB's reply states that no irregularity was found during the above said inspection. However, the field data sheets submitted by the

Respondent No. 2 (Page No. 482 to 485 and 491 to 494) does not give any evidence that the CPCB's inspection team checked the said Field Data Sheets. The CPCB also failed to give any reference to which specific test report the field data sheet pertained, nor has it cited any reference number and date, or provided traceability reference of the field data sheet.

Further, in view of **Terms and Conditions for Recognition No. 13 (Page 348)**, which provides that *"It shall maintain proper records and registers and the calculations and test results in respect of tests conducted by them,"* CPCB is entitled to access and obtain copies of the documents without any limitation.

The contents of **Paragraph 31 of Reply submitted by Respondent No. 2 establishes that the purported inspection was not conducted** by the Joint Committee mandated under Paragraph 8 of the Notification vide S.O. 2340(E) dated 16.06.2021. The Notification mandates a surprise inspection by a Joint Committee (comprising members of MoEFCC, CPCB, and concerned SPCB/PCC) and further the **inspection report was not made available in the public domain**. Crucially, Respondent No. 2 clearly states that the inspection was carried out **solely by CPCB officers**, a fact corroborated by Respondent No. 1's submission (Page No. 377) and the Office Order dated 28.11.2023, which deputed only two CPCB officers for 'verification of complaint and compliance.' This **renders the Inspection and the Inspection Report invalid**. This clear **non-compliance** fundamentally undermines the transparency and accountability required in the recognition process. Therefore, the claim of Respondent No. 1 is legally void.

5. That in Paragraph 5, CPCB has submitted that *"the concerned Field Data Sheet may be directed to be produced by Respondent No. 2, M/s Fare Labs, as the same is part of the office records of M/s Fare Labs Pvt. Ltd."* **This submission is not acceptable**, as

the said document, being part of the office records of Respondent No. 2 but **not forming part of the CPCB's Inspection Report, cannot be considered reliable.**

6. With respect to Paragraph 6 of the Additional Reply, it is respectfully submitted that, as already apprised in Paragraph 11 of the Applicant's Rejoinder dated 11.08.2025 (Page No. 423), **Respondent No. 2 did not fulfil the requirement** under the Guidelines (Page No. 304): *"The Environmental laboratories desirous of renewal of recognition at the expiry of earlier recognition period have to submit application for renewal of recognition at least six months before the expiry date of earlier recognition."* The recognition/renewed recognition granted to Respondent No. 2 was valid up to 12.01.2024, but **the application for renewal was not submitted at least six months prior to its expiry, as mandated under the said provision.**

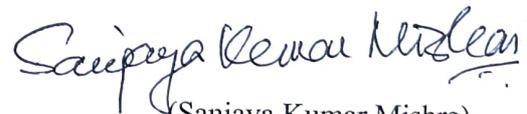
As already submitted in Paragraph 10 (D) of the Applicant's Rejoinder Dated 11.08.2025 (Page No. 422), **the Respondent No. 2 has committed a violation of Condition No. 11 of the Terms & Conditions for Recognition of Laboratories** under the Environment (Protection) Act, 1986 (Page No. 347) mandates: *"It shall maintain complete secrecy in respect of test results. These shall not be divulged to any person or authority other than Officer empowered under section 11 of the Act or the court having jurisdiction."* Further, the submissions made by Respondent No. 2 in its Reply (Page No. 473, 489) **confirm this violation.**

It is humbly submitted that, **contrary to the statement made by CPCB** in its Additional Reply, there is no reference to **"Examination** of information submitted by the lab" in the 'Procedure for Evaluation of Environmental Laboratories for Recognition under the Environment (Protection) Act, 1986' (Page No. 296). Further, as already apprised in Paragraph 11 (C) and (D) of the Applicant's Rejoinder Dated 11.08.2025 (Page No. 424),

CPCB has also failed to produce documentary evidence demonstrating that the recognition dated 31.07.2024, granted to Respondent No. 2, was preceded by a **due inspection conducted by the joint inspection team, as mandated by the Guidelines (Page No. 301)**. This omission further underscores procedural non-compliance. In view of the foregoing, the claim that Respondent No. 2 fulfilled all the requirements under the Guidelines stands disproved, rendering the renewal of recognition legally unsustainable.

7. Contents of Paragraph 7 and 8 do not call for any specific response at this stage.

In light of the foregoing, it is evident that CPCB neglected the mandatory provisions of the Notification dated 16.06.2021. The Applicant respectfully prays that this Hon'ble Tribunal **reject CPCB's defense** regarding the so-called "Field Data Sheet" and disregard the Respondent's misleading use of the term "**Examination**" to circumvent the set legal process for laboratory recognition. The initial recognition of Respondent No. 2, which was valid up to 12.01.2024, and its subsequent renewals, are in **clear breach of statutory provisions and mandatory guidelines**, they are **unsustainable in law and liable to be revoked**. It is therefore graciously prayed that this Hon'ble Tribunal may **direct CPCB to forthwith revoke** the said recognition and renewal, in order to uphold the mandate of law and safeguard environmental and public interest.


(Sanjaya Kumar Mishra)

Applicant-in-Person

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025**

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

REJOINDER TO THE REPLY DATED 16.08.2025 FILED BY RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH:

This Rejoinder Affidavit is being submitted before the Hon'ble National Green Tribunal (hereinafter referred to as "**Hon'ble NGT**") against the Reply dated 16.08.2025 filed by Respondent No. 2 in the instant matter. The Applicant categorically denies all statements, allegations, and averments made therein, except those expressly admitted herein, and respectfully submits as follows:

1. The contents of Paragraph No. 1 merely reproduce the prayer portion of the Original Application and do not call for any specific reply in this Rejoinder.
2. The Applicant **denies** the general claims made by Respondent No. 2 in Paragraph No. 2 regarding its activities, as these are **unsubstantiated by critical evidence**. The Respondent has **failed to provide proof** detailing its deployed manpower capability, including the number of assigned personnel, their specific qualifications, training records, and verified participation in national and international Proficiency Testing (PT) programs for air and noise pollution monitoring. Furthermore, the Respondent's assertion of possessing "state-of-the-art instruments" is **untenable**, specifically due to its **continued failure** to include the **Non-Dispersive Infrared (NDIR) method** for measuring Carbon Monoxide, as **given in G.S.R. 489 (E), dated 09.07.2002** (Kindly

refer **Page 105 of Original Application** hereinafter referred to as “OA”) **even after 23 years** of the notification, shows the **non-serious approach** of Respondent No. 2 towards Air Pollution monitoring and **undermines** its claim of being equipped with a comprehensive range of sophisticated and state-of-the-art instruments.

3. That the Paragraph 3 is **baseless, and vague** especially since the evidence of the **malafide acts** of the Respondent No. 2, concerning **suppression of Annexure - V** as given at **Page No. 473** (within Para No. 3). Within the same paragraph, they have also stated that they will ensure that no such mistakes are committed in future test reports, which clearly constitutes the applicant’s stand as valid. Further, within Para No. 4, they have stated that **they removed the flue gas velocity data under the influence** of their customer. This **constitutes violation of the impartiality requirement(s)** specified in Clause 4.1 of the General Requirements of ISO 17025:2017 as raised within Paragraph 6.14 of the OA. This along with further submissions of the Respondent at Page No. 480, and 489, **confirms the Grounds (Para No. 7.2, 7.3, 7.6, 7.7, and 7.9) of the OA**. This also substantiates the Applicant’s Rejoinder dated 11.08.2025 highlighting the **violation of the Condition No. 11 of the Terms & Conditions for Recognition of Laboratories under the Environment (Protection) Act, 1986 (Page No. 347)** that mandates: “It shall maintain complete secrecy in respect of test results. These shall not be divulged to any person or authority other than Officer empowered under section 11 of the Act or the court having jurisdiction.” In light of the documentary evidence cited above, the Respondent's denial is untenable and cannot be accepted.

APPLICANT’S COUNTER TO PRELIMINARY OBJECTIONS/ SUBMISSIONS;

4. In response to Paragraph 4 of the Reply, it is respectfully submitted that the allegation of suppression of material facts is grossly incorrect. The Applicant submits that the previous application (OA No. 314/2023) and its dismissal were **orally submitted**

before this Hon'ble Tribunal on the First Hearing, and this submission was duly recorded in the Order Sheet dated 28.05.2025. There has been no suppression.

The Respondent has further **mischaracterized the nature** of the present OA. The Respondent presumes that the Applicant is merely aggrieved by the test reports mentioned in the earlier complaint. This assumption is **incorrect and misleading**, as the Applicant's grievance is not limited to the specific test reports cited, but rather concerns the Respondent No. 2's **practice of incorrect reporting**, inappropriate sampling, and **suppression of material facts**, which directly impacts its suitability for continued recognition..

New Cause of Action: This Original Application is founded upon a **new and distinct cause of action** which arose when the Respondent No. 1 (CPCB) granted **recognition dated 31.07.2024** to Respondent No. 2. The earlier OA challenged the NABL's *closure of a complaint*; the present OA challenges the **Recognition granted to Respondent No. 2** in light of ongoing concerns about its practices.

Incorrect Characterization of NABL Action: The Respondent No. 2's statement that NABL "**rejected**" the Applicant's case is **grossly incorrect and misleading**. As evidenced by their own submission at Page 445 (Para 4), besides Applicant's submissions, NABL merely "**closed the complaint**".

Therefore, the plea of re-agitation of the same issue is without merit, as this OA is based on a separate and subsequent action of Respondent No. 1, constituting a fresh and independent cause of action.

5. The assertion by the Respondent No. 2 in Paragraph No. 5 is **negated** as the claim that the complaint was **rejected by NABL is wrong and factually incorrect**. The NABL communication dated 02.03.2023 merely indicated the **closure of the complaint** and

did not extinguish the material evidence contained in the test reports themselves. Thus, the premise that the Applicant is re-agitating a 'rejected' issue is flawed, especially since the present OA concerns the **subsequent decision of the CPCB** to grant recognition on 31.07.2024.

6. The claim in Paragraph No. 6 that the Applicant is pursuing "frivolous litigations with an intent to harass" is **categorically denied** and is merely an attempt to **obscure the material facts**. This litigation is not frivolous; it is a **legitimate exercise** of the right to seek judicial review of the **CPCB's arbitrary decision to grant recognition on 31.07.2024**. The Applicant is focused solely on the **merits** of this subsequent administrative action, which is against public interest.
7. The Respondent's statements in Paragraph 7 are **veiled assertions** that deliberately **twist the facts on record**. These are merely **vague allegations** aimed at distracting the Court and **demotivating the Applicant**, serving no purpose other than unwarranted counter-argumentation.
8. The contentions of Respondent No. 2 in Paragraph 8, which gratuitously introduce entities like **Maruti Suzuki, Medicity**, and other laboratories, are **irrelevant and purely diversionary**. These parties are **not affected parties** to the present OA, which solely challenges the **legality of the CPCB's recognition dated 31.07.2024** granted to Respondent No. 2. While Respondent No. 2 attempts to drag Maruti Suzuki into the dispute, their own submission (**Page No. 473 and 489**) actually reveals **serious prior concerns** which **Respondent No. 1 (CPCB) demonstrably failed to address**. Furthermore, NABL's apparent unwillingness to appropriately resolve the matter does not negate the **CPCB's independent duty to enforce compliance**. The Applicant cited other test reports only as **examples of systemic wrong reporting** that Respondent No. 1 must regulate, thereby establishing the necessity of the current judicial review.

9. The Respondent's claim under Paragraph 9 is **falsely premised**. Instead, the Respondent's own submission, as revealed on **Page Nos. 473 and 489**, substantiates a concern regarding **surrender to industry pressure**, specifically by removing **stack velocity** from test reports. The statement at Page 473, Paragraph 4, acknowledging service to the industry since 2018-19. This history necessitates an evaluation into whether such deficient reporting practices have been **continuous since 2018-19**, and consequently, the **quantum of environmental damage and impact to public health** resulting from the Respondent's negligence. This failure to act, coupled with the admitted practices, highlights the arbitrary nature of the CPCB's subsequent recognition.
10. The contents of Paragraph 10, wherein the answering Respondent craves liberty to file additional submissions, **do not call for any specific comment or response** in this Rejoinder.

APPLICANT'S COUNTER TO BRIEF FACTS:

11. With respect to Paragraphs 1 and 2, it is **evident** that Respondent No. 2 failed to respond to the Applicant's initial queries until compelled to do so by NABL intervention. Furthermore, the Respondent's submission **deliberately omits the fact** that the Applicant subsequently sent a detailed email, dated 11.11.2022, addressed to NABL with a copy clearly marked to Respondent No. 2, which **remained entirely unanswered**. This deliberate silence on a direct communication decisively **demonstrates the cavalier and non-cooperative attitude** of the Answering Respondent throughout the preceding administrative process.
12. With respect to Paragraph 3 (Page 445), **the Action Taken Report dated 12.11.2022** (Annexure-R3), which **has come to the Applicant's knowledge for the first time**, is **demonstrably a vague and deficient document**. The report, at Page 480, itself acknowledges under '**corrective action**' that the complaint was to be resolved by submitting a reply 'to the satisfaction of the complainant.' (The term 'compliant' appears to be a mistaken reference to 'complaint'). However, this essential objective

was clearly never met. **The Applicant's subsequent and detailed email reply dated 11.11.2022** (which remained unanswered, as previously submitted) **definitively establishes dissatisfaction, confirming that no resolution was given.** Therefore, the Action Taken Report is negated and denied, as its stated objective—complainant satisfaction—was fundamentally unfulfilled, rendering the document meaningless.

13. It is submitted that **Paragraph No. 4** of the Respondent's reply constitutes **clear evidence** that Respondent No. 2 has made **misleading statements.** The claims at Page 443 (Line 1) and Paragraph No. 5 (Line 7) that NABL "**rejected**" the Applicant's complaint are **categorically false and incorrect.** The document confirms that NABL merely **closed the complaint**, which is a procedural step distinct from a substantive rejection. The Respondent's repeated attempt to misrepresent a procedural closure as a rejection is an effort to **mislead this Hon'ble Tribunal** and divert attention from the merits of the present challenge.

14. It is submitted that the Respondent No. 2 has **omitted a material fact under Paragraph 5.** The dismissal of OA No. 314/2023 by this Hon'ble Tribunal on 02.05.2023 was specifically on the ground that the Hon'ble National Green Tribunal (NGT) is not an appellate forum against the decisions of NABL.

15. With respect to Paragraph 6, the Applicant reiterates the submissions previously made in the Rejoinder dated 11.08.2025 regarding the CPCB's inspection report (dated 15.05.2025, Page 378-383). The Applicant maintains that the said inspection report is **procedurally invalid** because the inspection was **not conducted in strict compliance** with Paragraph 8 of the Notification vide S.O. 2340(E) dated 16.06.2021 issued by the Ministry of Environment, Forest and Climate Change. This non-compliance is further compounded by the CPCB's additional **regulatory failure to make the inspection report available in the public domain**, as required by the same Notification. **Consequently, the Inspection Report is rendered a nullity and must be wholly**

disregarded, offering no legitimate basis whatsoever to justify continuation of the recognition granted to Respondent No. 2.

16. It is respectfully submitted that Respondent No. 2 in paragraph 7 in its reply has not responded to the Fact (para 6.24 of the Original Application, Pg. 20). It reads: *‘In reply, the Applicant submitted through email dated 18.01.2024 to CPCB that: “It is profoundly regrettable that, despite the comprehensive evidence I have presented in support of my complaint, it has been entirely overlooked by the aforesaid CPCB team. With all due respect to CPCB as an institution, I strongly disapprove of the content in your letter, which has woefully neglected to address my complaint and appears to favor an incorrect perspective. Lastly, if there is anything you would like to communicate in response to this email, I request you to do so within 15 days.” Remains unanswered to date.’* This was the counter that clearly defeats the claims of Respondent No. 2 in para 7.

17. The Applicant most respectfully **counters paragraph 8 as it claims about verification and clearance by multiple regulatory authorities.** The Respondent has not given the names of the **“multiple regulatory authorities”.** **The only regulatory authority involved in the matter is CPCB (Respondent No. 1),** which, as already submitted. conducted an inspection which was **provenly in violation of the provisions of Notification Dated 16.06.2021 (Page No. 244).** NABL is **not a regulator** but only an accreditation body. It is again respectfully submitted that the present OA is based on the **cause of action that arose from the CPCB’s recognition dated 31.07.2024.** Hence, claims of Respondent No. 2 within Paragraph 8 (Page No. 446) are completely baseless and misleading, and are hereby negated in their entirety.

18. That **paragraph No. 9 and 10 are missing (Page No. 446).**

APPLICANT'S COUNTER TO PARAWISE REPLY:

19. Most respectfully submitted that the **Respondent's own submission**, as revealed on **Page Nos. 473 and 489**, **substantiates Paragraph No. 1 of this OA**, which highlights a critical issue concerning the laboratory recognition granted by the CPCB to an environmental laboratory that has **manipulated "air pollution test reports", engaged in malpractices**. Hence, terming it as false, prejudicial is entirely untenable.
20. That the **Respondent's denial for want of knowledge (Para 12, Page 446) is vague and ill-conceived**, as the current contents are introductory. The Applicant reiterates the Advocate's Identity Card (already submitted) and now appends the latest supporting documents pertaining to the role as Pro Bono Editor, Enviro Annotations, as **ANNEXURE-A/17**. The Gurugram address is further substantiated by due receipt of RTI communications sent by Respondent No. 1 itself. Regarding the demand to be "put to strict proof," the Applicant submits that while comprehensive historical proofs dating back to 1994 are voluminous, and time consuming. The current evidence is sufficient, and the Applicant craves leave of this Hon'ble Tribunal to file further supporting documents, if directed.
21. The Respondent's submission in Paragraph No. 5 is **legally untenable** and misconceived. The Applicant's *locus standi* to maintain the present OA is **not dependent upon any special or proprietary right** or commercial interest. Instead, the Applicant's standing arises from the **well-established principles of environmental locus standi** and the protection of public trust. The Applicant, acting as a concerned and environmentally aware citizen and editor, has approached this Hon'ble Tribunal in discharge of the **constitutional duty** under **Article 51A(g)** of the Constitution of India, raising substantial issues of **regulatory failure** and matters of **public importance** concerning environmental protection. The present Application is, therefore, **fully maintainable** under **Section 18(2)(e) of the National Green Tribunal Act, 2010**.

APPLICANT'S COUNTER TO REPLY TO FACTS OF THIS CASE:

22. The contents of Paragraphs numbered 14, 15, 17, and 18 **do not call for a response**, as the Respondent has not countered the contents in **Paragraphs 6.1, 6.2, 6.4, and 6.5 of the OA**.
23. The Respondent's blanket denial in **Paragraph No. 16** is **wholly untenable** and must be **specifically denied**. The Applicant's submission as detailed in Paragraph 6.3 of the OA highlights the persistent and serious challenge of **Air Pollution levels within Delhi and the National Capital Region**, where CPCB-recognized environmental laboratories play a crucial public role. The Application highlights grave concerns regarding the involvement of **Respondent No. 2 in malpractices** and the issuance of potentially **fraudulent reports** pertaining to air emissions. These allegations are not merely conjecture; they are based on material records already submitted and are further **substantiated by the Respondent's own documents (Page Nos. 473 and 489)**, which evidence non-compliance and industry influence.
24. In paragraph No. 19 , **on the one hand Respondent No. 2 has denied that the contents of Para No 6.6, 6.11, 6.13, and 6.14 of the O.A. and termed as false, misconceived and frivolous; while on the other hand** in Table No. 1, column No. 3, **it has stated “...initial report inadvertently recorded....”**. Further, within Row No. 2 of the Table No. 1, the Respondent No.2 has **failed to prove that there is no requirement** to keep the moisture data on record in the Test Report.

The Respondent's reliance on the CPCB's Inspection Report (Page Nos. 379 and 380) **is wholly misplaced. This document is invalid and inadmissible as the CPCB failed to comply with the legal mandates specified in the Notification dated 16.06.2021.** Furthermore, the Respondent's own submission (Page No. 449, Row No.

1) **fails to provide any material fact or evidence to negate** the Applicant's assertion that it has specifically violated Clause 7.8.5 (e) of ISO 17025: 2017 (OA, Page 158).

The Respondent's assertion in Table No. 1 (Row 3) that gas chromatography (GC) results were based on the **average of three repetitions** and are acceptable, is **unsubstantiated and fundamentally flawed** because their own documents (Page Nos. 483 and 492), titled "Raw Data Sheet," present **single-time data only, directly contradicting the claim of averaging**. Furthermore, the Respondent's contention (Page No. 450, Para 2) that their equipment can detect concentrations as low as **1 ppm**, significantly below the **500 ppm Limit of Detection (LoD)** specified by the **Bureau of Indian Standard (BIS) Method IS 13270**, is **impractical and fails to establish the validity or accuracy** of the results. This suggests the Respondent No. 2 has either **misapplied IS 13270** or is attempting to defend the results without **critical documentary evidence**, such as method validation, proof of calibration accuracy at trace levels, repeatability data, uniquely identifiable chromatograms for the tests under question, Proficiency Test outcome, or confirmation from BIS. Therefore, the Respondent's entire claim is **emphatically denied**.

In Row No. 4 of Table No. 1, (Page No. 451) the Respondent No. 2 has merely relied on the observation in the CPCB report dated 02.01.2024, **which does not give any documentary support as to why NDIR technique may be adopted but it is not mandatory, when it is specified in a Government Notification way back in 2002**.

The Respondent No. 2's interpretation in Table No. 1 (Row 5, Page No. 451) that the **operational load is not stipulated is wrong and unsupported**, as it relies on a **mere statement** within the CPCB inspection report (dated 02.01.2024, Page 379) that itself **lacks any supporting documentary evidence or instruction from the BIS**—the

authority setting the standard. This unvalidated interpretation by CPCB, subsequently adopted by the Respondent, establishes a **wrong precedent** for regulatory compliance by substituting unsupported agency opinion for clear, documented stipulations from the standard-setting body.

In relation to Table No. 1 (Row 6, Page 452), the Applicant's submission in OA is not a claim of violation of the **G.S.R. 489(E) dated 09.07.2002** regarding the 50 ppm limit for Oxides of Nitrogen, but rather highlights that the Respondent No. 2 was **aware of the conditions imposed in the EC dated 03.06.2011**, a fact the Respondent does not dispute. This awareness, specifically including the **minimum requirement for flue gas exit velocity** (Page No. 126, 129), makes the **intentional removal of flue gas velocity data** a clear and central piece of evidence demonstrating that the Respondent No. 2 was engaged in **malpractice and committed fraudulent reporting**. Consequently, the Respondent's assertion that this matter "has been raised for the first time in the present Applicant and hence cannot be agitated" is **false, frivolous, misleading, and emphatically denied**, as the Applicant previously raised concerns about the allowable limits in an **email dated 22.08.2022** (Page No. 167).

In Row No. 7 of Table No. 1, (Page No. 452) with reference to para 6.8(1), OA, the Respondent No. 2 has merely stated that the allegation of the Applicant is unfounded **without any material support** that reporting of fuel consumption data is not mandated and has not provided **proof strict** to the claim that it duly checked and verified. Further, the Respondent No. 2 has **not given any statement about recording of the data**.

In Row No. 8 of Table 1 (Page 453), Respondent No. 2 has cited Section 5.3.1 of IS:11255 (Part 1) as "Record the results of gas velocity...". **By its plain and ordinary**

meaning, the results are required to be reported. Further, Respondent No. 2 has produced **material records in its reply (Pages 473 and 489)** which clearly **establish intentional suppression of data, manipulation of results, and fraudulent reporting.** The **plea of “customer requirement” is untenable,** as the documents at Pages 482–485 and 491–494 explicitly state “Compliance”, and the purpose of monitoring is recorded in the test reports as “To Check Pollution Load”. Furthermore, both Respondents have failed to produce any material evidence, such as scope of work or agreement, to substantiate the alleged customer requirement. Further, with reference to the document produced by Respondent No. 2 (Page No. 473), they have been serving the customer since 2018-19. It is evident that the customer was not new, and the alleged “customer requirements” were pre-existing. This raises critical questions about the Respondent No. 2's **ethical obligations and actions taken to maintain transparency and uphold public interest** when allegedly influenced by their customer to biasedly remove data.

25. In Row No. 1 of Table 2 (Page 455), the **Respondent’s own statement exposes the falsity of both Respondents’ claims** regarding the use of sophisticated instrumentation. Respondent No. 2 has failed to adopt the method prescribed by the Government in the Gazette Notification dated 09.07.2002, even after over two decades, and instead employed an unsuitable, non-validated method. The **Respondent’s plea** that “it has been raised for the first time in the present Application and hence cannot be agitated” is **misleading and legally unsustainable,** as the issue was raised earlier through an email dated 22.08.2022 (Pages 133–134) concerning the Respondent’s capability and adherence to standards notified by the Government of India. These standards form an integral part of environmental monitoring and interpretation of **environmental parameters.** The Ministry of Environment, Forest and Climate Change has prescribed General Standards for certain **parameters where**

specific emission standards are not available. Subsequently, it was explained with clarity.

In Row No. 2 of Table 2 (Pages 455–456), the **allegation made by Respondent No. 2 is invalid, as the issue had already been raised** under Point No. 3 concerning iso-kinetic sampling in accordance with IS:11255. **However, with respect to the submissions at Page No. 483 and 492, the 60 minutes sampling time for Carbon Monoxide and Carbon Dioxide lacks any reference to standard method.**

Applicant has sufficiently responded to and negated the contents in Row No. 3 of Table No. 2, (Page No. 457 - 459) submitted by the Respondent No. 2.

26. The statement of Respondent No. 2 in Row No. 1 of Table No. 3 (Page 459-460) is denied as grossly misleading. The Applicant did not lodge a complaint on 12.07.2022; it only sought **clarification/information** via email, which Respondent No. 2 **failed to address for four months**, necessitating a formal complaint/intervention. The Applicant stresses that **Oxygen percentage is directly linked to allowable limits**, a matter raised in the Complaint dated 22.07.2022, which highlighted the **essential for environmental reporting (Page No. 133)**. Furthermore, the Laboratory's reliance on a field data sheet is misplaced, as the sheet is an **internal record**, while the **Test Report is the definitive document** for assessing compliance status.

27. It is most respectfully submitted that Respondent No. 2 has attempted to mislead the Hon'ble NGT within Paragraph No. 20 (Page 460). The Applicant has established that Respondent No. 2 was **involved in malpractices, a fact further corroborated by the Respondent's own submissions (Page Nos. 473, 489).**

Therefore, clear grounds exist for the revocation of Respondent No. 2's CPCB recognition, supported by the evidence established and CPCB's own submissions.

28. There is nothing to respond with respect to Paragraph 21.

29. **The Respondent's claim in Paragraph 22 (referencing Para 6.16 of the OA) is false and incomplete.** The Applicant's reply email dated 15.11.2022 was necessarily addressed to **NABL**, with a copy to Respondent No. 2 (Page No. 159), because Respondent No. 2 was attempting to **avoid transparency** in the resolution process. Significantly, the Respondent only responded after 4 months to the original clarification sought on **12.07.2022**, confirming that the response was made solely following NABL's intervention.

30. There is nothing to respond with respect to Paragraph 23.

31. The contents of **Paragraph No. 24 are vague and lack substance.** Crucially, the test reports form part of EC compliance reports, which are mandated to be publicly disclosed, hence public document. Significantly, Respondent No. 2 does **not deny** issuing the disputed test report(s). As the Respondent offers nothing beyond the CPCB's inspection report dated 02.01.2024, this report—which itself **failed to comply** with the Notification dated 16.06.2021—becomes **critical** in this matter.

32. It is respectfully pointed out that the Respondent No. 2 has stated Paragraphs 6.23 to 6.25 of the OA do not pertain to them is belied by their subsequent response regarding CPCB's failure to provide the inspection report. Crucially, the inspection report in question should have been placed on the public domain, as mandated by the Notification dated 16.06.2021. This non-disclosure persisted despite the Applicant's email dated 18.01.2023, which clearly questioned these points and sought a response within 15 days.

33. The contents of **Paragraph 26 fail to counter the essence** of the Original Application, specifically Paragraph 6.12 (Page 15) and 6.26, a fact conclusively established by the submissions of Respondent No. 2 (Page 473, 489). Furthermore,

Respondent No. 1's submission (Page 252) confirms that the recognition dated 31.07.2024 is a renewal sought through an application dated 01.07.2024. This application clearly failed to fulfill the **mandatory requirement** of the Guideline (Page 304) which stipulates that renewal applications must be submitted "at least six months before the expiry date of earlier recognition." This constitutes a clear **contravention** of the 'Guidelines for Recognition of Environmental Laboratories Under the Environment (Protection) Act, 1986.'

The submissions of Respondent No. 2 (Page 473, 489) constitute **undeniable evidence** of its **violation of Condition No. 11** of the Terms & Conditions for Recognition of Laboratories (Page 347). Condition No. 11 mandates: *"It shall maintain complete secrecy in respect of test results. These shall not be divulged to any person or authority other than Officer empowered under section 11 of the Act or the court having jurisdiction."* Further, the statements made by Respondent No. 2 in its Reply **confirm this violation**.

The CPCB, in its Additional Reply Affidavit dated 12.08.2025, admits only to the **"Examination of information submitted by the lab."** This "examination" is **not the required "inspection,"** which is the legitimate administrative method mandated by the 'Procedure for Evaluation of Environmental Laboratories for Recognition under the Environment (Protection) Act, 1986' (**Page No. 296**). Furthermore, both Respondents failed to submit any documentary evidence confirming the constitution of the **mandated Expert Committee** (Guidelines, Page 299). On the contrary, Respondent No. 2's own submission (Paragraph 31, Page 463) clearly indicates the process was carried out solely by CPCB officers, not a joint or Expert Committee. This constitutes a **clear contravention** of the 'Guidelines for Recognition of Environmental Laboratories' and amounts to a significant injustice.

COUNTER TO THE REPLY TO GROUNDS

34. In response to Paragraph 27, it is respectfully submitted that Respondent No. 2 has failed to provide any material evidence to support its denial. The Respondent's assertion that the Carbon Monoxide results were based on the average of three repetitions is **fundamentally flawed and unsubstantiated**, as their own documents (Page Nos. 483 and 492) present **single-time data only**, directly contradicting the claim of averaging. Furthermore, the Respondent's claim that their equipment can detect concentrations as low as **1 ppm** is **technically impractical** and fails to establish result validity, as this limit is significantly below the **500 ppm Limit of Detection specified by the BIS Method IS 13270**. This strongly suggests Respondent No. 2 has either **misapplied IS 13270** or is attempting to defend the results in the absence of critical documentary evidence, specifically: **method validation, proof of calibration accuracy at trace levels, repeatability data, uniquely identifiable chromatograms, Proficiency Test outcome, or confirmation from BIS**. Therefore, the Respondent's entire claim is **emphatically denied**.
35. In response to Paragraphs 28, 29, and 30, it is respectfully submitted that the Respondent No. 2's own submissions (Page Nos. 473, 483, 489, 492) definitively establish evidence of **Data Manipulation and, consequently, a severe violation of Public Trust**. This evidence conclusively proves Respondent No. 2's involvement in **malpractices**, which directly constitute the established **Grounds 7.2, 7.3, and 7.4**.
36. Paragraph 31 of the Reply establishes that the **purported inspection was not conducted by the Joint Committee mandated under Paragraph 8 of the Notification dated 16.06.2021**. The Notification mandates a **surprise inspection** by a **Joint Committee** (comprising members of MoEFCC, CPCB, and concerned SPCB/PCC) and further requires that the inspection reports be made available in the **public domain**. Crucially, Respondent No. 2 clearly states that the inspection was carried out **solely by CPCB officers**, a fact corroborated by Respondent No. 1's

submission (Page 377) and the Office Order dated 28.11.2023, which deputed only two CPCB officers for 'verification of complaint and compliance.' This clear **non-compliance** fundamentally undermines the transparency and accountability required in the recognition process and directly constitutes **Ground 7.5** of the Original Application. The claim of Respondent No. 2 is, therefore, entirely **negated**.

37. Paragraph 32 of the Reply submitted by Respondent No. 2 fails to counter Paragraph 6.12 of the Original Application, which constitutes the very essence of this ground 7.6. Furthermore, apart from various facts and submissions placed, the arguments presented in **Paragraphs 33 and 36 of this Rejoinder conclusively establish Ground 7.6.**

38. In response to Paragraph 33, it is clarified that other recognised laboratories are not affected parties in the present OA. The Applicant's intention was solely to highlight how **CPCB's persistent inaction facilitates the continuation of wrong air pollution reporting by laboratories.** The systemic issue is further demonstrated by the supporting document annexed as **ANNEXURE A/18** (regarding disclosure of test reports). Therefore, the contention of Respondent No. 2 is **entirely refuted**.

39. The contents of Paragraphs 34 and 35 are vehemently denied, being vague and entirely without evidentiary proof. However, the CIC has issued an Order based on NABL's submissions (**ANNEXURE A/19**). This further **necessitates the establishment of Ground 7.9 and 7.10.**

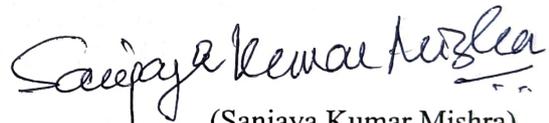
40. The contents of Paragraph 36 are misleading, as the Applicant has clearly demonstrated that the cause of action arose on 31.07.2024, the date CPCB issued the renewal of recognition to Respondent No. 2. The Respondent deliberately **misinterprets** the matter by focusing solely on citing the test reports. The Applicant's primary concern is the **systemic incorrect and wrong reporting**, for which the test reports serve as mere examples. Crucially, the Respondent has **failed to address the**

evidenced **malpractices** and serious **deficiencies in the laboratory's capabilities**.

Therefore, the Respondent's claim is vague and entirely **refuted**.

The Applicant respectfully submits that the arguments advanced by Respondent No. 2 are entirely misconceived, contradictory, and devoid of legal merit. The Respondent has failed to rebut the fundamental issues raised in the Original Application, including evidence of **systemic malpractices, data manipulation, and clear contravention** of mandatory regulatory guidelines. On the contrary, the Respondent's own submissions have conclusively **corroborated** the Applicant's claims, as demonstrated in the foregoing paragraphs of this Rejoinder.

Therefore, the submission of Respondent No. 2 that the Application deserves dismissal is **unsustainable**. Based on the irrefutable evidence, the prayers and reliefs sought in the Original Application are fully warranted and kindly be **granted** by this Hon'ble Tribunal in the interest of environmental integrity and public trust.


(Sanjaya Kumar Mishra)

Applicant-in-Person



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

AFFIDAVIT

I, Sanjaya Kumar Mishra, son of Shri Nilamani Mishra, do hereby solemnly affirm and declare as under:

- 1) That I am the Applicant in **Original Application No. 68/2025**, and I am fully conversant with the facts of the case and competent to swear this Affidavit.
- 2) That I am an Advocate enrolled with the Orissa State Bar Council under Enrolment No. O-1047/2011. I further state that I maintain my communication address at 115, Sagar Enclave, Sector 104, Near Daulatabad Road, MGF Toyota, Gurugram, Haryana – 122001, for all purposes related to this Original Application, including the service of notices, replies, or rejoinders.
- 3) That the contents of the accompanying **Rejoinder** form part and parcel of this Affidavit and are not reproduced herein for the sake of brevity. The accompanying Rejoinder is submitted in response to the Reply Affidavit dated **12.08.2025** filed by **Respondent No. 1** and the Reply dated **16.08.2025** filed by **Respondent No. 2**.

This document has been registered

at Sr. No.../1432... Book No...70.....

Page No...288... On Dated...07/11/25..

Sanjaya Kumar Mishra
DEPONENT

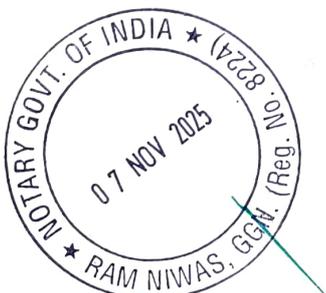
VERIFICATION:

Verified at Gurugram on this 7th day of November, 2025, that the contents of this Affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom.

Sanjaya Kumar Mishra
DEPONENT

ATTESTED

RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HARYANA) INDIA



The Orissa State Bar Council
CUTTACK - 753 002
 Phone No.- 0671-2607885

Enrolment No. & Date **0-1047/17.12.11**
 Name **SANJAYA KUMAR MISHRA, ADV.**

Place of Practice : **Cuttack**
 Date of Birth **04.03.1969**

[Signature] Sign. of the Chairman
[Signature] Sign. of the Secretary

TO WHOM IT MAY CONCERN

The holder of this card is an advocate under **Orissa State Bar Council**. If found, please return or post in the following address.

Father's Husband's Name : **Sri Nilamani Mishra**
 Address **At:-Maszid Chowk,
 P.O/Dist:-Bolangir.**

Phone No. : **06652:-232723.**

[Signature]
 Sign. of the Card Holder



Certified & Attested to be True Copy of the Original

R.N. MALIK, ADVOCATE
NOTARY, GURUGRAM, HR. (INDIA)

Date: Feb 06, 2025

Official Notice of Operational Status Change

NOTICE REGARDING CESSATION OF PRINT PUBLICATION ACTIVITIES OF ENVIRO ANNOTATIONS

This declaration serves as official notice to all subscribers, advertisers, and interested parties regarding the operational status of **Enviro Annotations**, formerly recognized as India's First Environmental Weekly Newspaper.

1. **Cessation of Print Activities:** We hereby formally record and declare that the **print and physical publication activities** of **Enviro Annotations** have been **temporarily suspended** with effect from the final issue dated **6th February 2025**.
2. **Reason for Suspension:** This temporary cessation is necessitated by **unforeseen financial constraints** and **sustainability challenges** encountered in the physical production and distribution of the weekly newspaper.
3. **Continuation of Digital Platform:** The weekly newspaper was started in 2018 with the first copy printed on 18th November 2018. It is explicitly confirmed that while the print edition has been discontinued, the **digital version** of the news portal remains fully operational. The primary medium for the continuous dissemination of environmental news, legal updates, and educational articles is now exclusively the official website: www.enviroannotations.com.
4. **Ownership and Proprietary Status:** All ownership, proprietary rights, and regulatory compliance (including those under the Income Tax regulations) concerning Enviro Annotations have been and shall continue to be vested solely in the undersigned, Sunita Mishra, until any further formal notice.
5. **Purpose of Declaration:** This statement is made for the public record and reference, and to definitively clarify the current operational status of Enviro Annotations solely with respect to its print publication.

Issued Under the Authority of Enviro Annotations.

Sunita Mishra
(Sunita Mishra)

Owner and Editor

Enviro Annotations

Registered at G-143/SL-1, Dilshad Colony, Delhi 110095

WhatsApp Text: 9312491427

Email: editor@enviroannotations.com



Date: Mar 31, 2025

To Whom So Ever It May Concern

This is to certify that Mr. Sanjaya Kumar Mishra, Advocate, is associated with EnviroAnnotations.com in the voluntary capacity of Pro Bono Legal Editor. This association is purely honorary, with no employment relationship, financial remuneration, or other benefits. The designation serves solely for identification and recognition of his contributions.

In this role, Mr. Mishra has been requested to contribute educational and awareness-oriented articles on environmental law, forest rules, legal matters, with the objective of informing and educating the public on legal compliance, precedents, and governance frameworks.

His association with EnviroAnnotations.com is intended solely to promote legal literacy and public understanding of environmental jurisprudence, and is fully voluntary and non-remunerative. We greatly value his contributions toward fostering public awareness and engagement in environmental law and policy.

This certification is issued under the authority of EnviroAnnotations.com and is true to the best of our knowledge.

Issued Under the Authority of Enviro Annotations.

Sunita Mishra.
(Sunita Mishra)

Owner and Editor
Enviro Annotations

Registered at G-143/SL-1, Disha Colony, Delhi 110095

WhatsApp Text: 9312491427

Email: editor@enviroannotations.com



ANNEXURE- A/18

Regarding Usage of Documents and Communications pertaining to Marathon Electric

From Sanjaya K. Mishra <sanjayakmishra@hotmail.com>
Date Sat 2024-12-21 12:49 PM
To rmtech328@gmail.com <rmtech328@gmail.com>; Arvind.Pasricha@regalrexnord.com <Arvind.Pasricha@regalrexnord.com>; Vivek.Bali@regalrexnord.com <Vivek.Bali@regalrexnord.com>

Dear Sir,

This is with reference to the meeting held on 13th April 2024, as well as prior and subsequent communications, concerning the subject of "Sealing Direction of DG Sets" in relation to MARATHON ELECTRIC INDIA PRIVATE LIMITED, Sector 11, Model Town, Faridabad.

I hereby notify you of my intent to use the documents and communications exchanged via email (on my id sanjayakmishra@gmail.com) for proceedings before the Commission for Air Quality Management (CAQM) and the Hon'ble National Green Tribunal (NGT).

Given that these documents pertain to government orders and have already been submitted to the authorities for compliance purposes, they are deemed to constitute public documents. Accordingly, they may be used as such in legal proceedings.

Should you have any objections to the aforementioned use of these documents, please provide a written response detailing your reasons within seven (7) days. In the absence of a response within the stipulated timeframe, it shall be presumed that you have no objections, and the matter will be considered without any restrictions or prohibitions.

Sanjaya K. Mishra
AIBE Certified Lawyer, Legal Advisor for Environmental Matters
Mobile: 9310326647
Alternative email id sanjayakmishra@gmail.com

CONFIDENTIALITY NOTE

The contents of this message may be legally privileged and confidential, for the use of the intended recipient(s) only. It should not be read, copied and used by anyone other than the intended recipient. If you have received this message in error, please immediately notify us at the above co-ordinates, preserve its confidentiality and delete it from your system.

Certified & Attested to be True Copy
of the Original


R.N. MALIK, ADVOCATE
NOTARY, GURUGRAM, HR. (INDIA)



Decision Uploaded

From Central Information Commission (CIC) <no-reply@nic.in>

Date Tue 2025-04-08 5:34 PM

To sanjayakmishra@hotmail.com <sanjayakmishra@hotmail.com>

Dear Sir/Madam,

Final decision on your case has been uploaded on website at [www.cic.gov.in]www.cic.gov.in Your case details are given below:

1	File Number	CIC/QCIND/A/2024/602521
2	Information Commissioner	Vinod Kumar Tiwari
3	Decision uploading date	08-04-2025
4	Hearing scheduled date	24-03-2025
5	Appellant Name	Sanjaya Kumar Mishra
6	Appellant Address	115, Sagar Enclave, Sector 104, Near Daulatabad Road MGF Toyota, Gurugram - 122006
7	Public Authority	Quality Council of India
8	CPIO details	The CPIO

The decision has been uploaded for your case CIC/QCIND/A/2024/602521. Please click here to view your decision <http://dsscic.nic.in/cause-list-report-web/download?filename=Q2FzZS04X0NJQ1FDSU5EQTIwMjQ2MDI1MjEucGRm.-CIC>

Regards,

Central Information Commission (CIC)

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

File No: CIC/QCIND/A/2024/602521

Sanjaya Kumar Mishra

.....अपीलकर्ता/Appellant

VERSUS

बनाम

PIO,
Quality Council of India,
2nd Floor, Institution of Engineers
Building, 2, Bahadur Shah Zafar Marg,
New Delhi - 110 002

.....प्रतिवादीगण /Respondent

Date of Hearing : 24.03.2025

Date of Decision : 08.04.2025

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

Relevant facts emerging from appeal:

RTI application filed on : 10.10.2023

CPIO replied on : 06.11.2023

First appeal filed on : 06.12.2023

First Appellate Authority's order : 09.01.2024

2nd Appeal/Complaint dated : 17.01.2024

Information sought:

The Appellant filed an RTI application (online) dated 10.10.2023 seeking the following information:

“Kindly provide documents of decision taken by NABL regarding closure of complaint number 58 of 2022 as intimated to complainant on 2nd March 2023. Copy of communication attached.”

The CPIO furnished a reply to the Appellant on 06.11.2023 stating as under:

“It is hereby apprised that a complaint has been made by your good self against the Fare Labs Private Limited, M.G. Road, Gurgaon and the same was investigated as per the procedures defined by NABL and the outcome of the investigation was informed to you on sanjaykmishra@gmail.com vide email dated 02nd March 2023.

Information like letters issued by NABL to Fare labs and the documents collected during the investigation constitutes third party information which is confidential and held with NABL in fiduciary capacity.

Hence, information sought cannot be disclosed under Section 8 (1) (e) of RTI Act, 2005. Further, the same has also been considered under non-disclosure document category and mentioned on QCI website under following link:

<https://qcin.org/public/uploads/ck-docs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf>

Being dissatisfied, the appellant filed a First Appeal dated 06.12.2023. The FAA vide its order dated 09.01.2024, held as under.

“This has reference to your First Appeal application led online dated 06th December, 2023 against reply provided by CPIO through RTI No. QCIND/R/E/23/00208 reply leer dated 06th November, 2023.

On scrutiny of First Appeal and RTI application it has been observed that you have sought documents pertaining to decision taken by NABL regarding closure of complaint number 58 of 2022 as intimated to complainant on 02nd March 2023.

In this regard following is mentioned:

1. Complaint made by applicant against Fare Labs Private Limited, M.G. Road, Gurgaon was investigated as per the procedures denied by NABL and outcome was apprised to applicant through e-mail dated 02nd March, 2023.

2. Further, NABL as a part of investigation had sought response from the laboratory. NABL review committee has reviewed the lab’s replies and expert comments for the same and noted that lab has taken action for the points raised and further expert has vetted the same. Based on the review of the lab’s response and action taken and expert comments,

NABL complaints committee recommended for closure of the complaint.
3. However, information like leers issued by NABL to Fare labs and the documents collected during the investigation constitutes third party information which is confidential and held with NABL in fiduciary capacity.

4. Hence, information sought cannot be disclosed under Sec 8 (1) (e) of RTI Act, 2005. Further, the same has also been considered under non-disclosure document category and mentioned on QCI website under following link: Print RTI First Appeal Print Status Go Back <https://qcin.org/public/uploads/ckdocs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf> Accordingly, reply provided by CPIO is in order and I uphold the reply. In view of the above, the Appeal is disposed off.”

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Absent.

Respondent: Dr. Hari Prakash, Director/CPIO, Shri P.X. Xavier, Dy. Director/PIO, Shri Neeraj Verma, Dy. Director, APIO and Ms. Shilpa Khanna, Asst. Director/APIO, appeared in person.

The respondent while defending their case *inter alia* submitted that they had filed detailed written submissions dated 17.03.2025 disclosing complete facts of the case and requested the Commission to place the same on record, copy of the same was sent to the appellant. The relevant paras of the written submission are reproduced as under:

1.” Brief of RTI and First Appeal matter and reply provided by NABL/QCI:

i. *Information sought through RTI application:*

Kindly provide documents of decision taken by NABL regarding closure of complaint number 58 of 2022 as intimated to complainant on 02nd March 2023.

ii. *Reply to RTI application:*

NABL/QCI had provided response to RTI application as per records available and as per provisions of RTI Act, 2005 stating the following facts:

Complaint has been made by your good self against the Fare Labs Private Limited, M.G. Road, Gurgaon and the same was investigated as per the procedures defined by NABL and the outcome of the investigation was informed to you on sanjayakmishra@gmail.com vide email dated 02nd March 2023.

Information like letters issued by NABL to Fare labs and the documents collected during the investigation constitutes third party information which is confidential and held with NABL in fiduciary capacity.

Hence, information sought cannot be disclosed under Section 8 (1) (e) of RTI Act, 2005, Further, the same has also been considered under non-disclosure document category and mentioned on QCI website under following link:

<https://qcin.org/public/uploads/ck-docs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf>

III. Brief of First Appeal and reply to First Appeal-

Further, applicant filed First Appeal application online citing "refused access to information requested" and further referred to clauses of NABL document for dealing with complaints. Through detailed reply to First Appeal, following facts were mentioned:

a. Complaint made by applicant against Fare Labs Private Limited, M.G. Road, Gurgaon was investigated as per the procedures defined by NABL and outcome was apprised to applicant through e-mail dated 02nd March, 2023.

b. Further, NABL as a part of investigation had sought response from the laboratory. NABL review committee has reviewed the lab's replies and expert comments for the same and noted that lab has taken action for the points raised and further expert has vetted the same. Based on the review of the lab's response and action taken and expert comments, NABL complaints committee recommended for closure of the complaint.

c. However, information like letters issued by NABL to Fare labs and the documents collected during the investigation constitutes third party information which is confidential and held with NABL in fiduciary capacity.

d. Hence, information sought cannot be disclosed under Section 8 (1) (e) of RTI Act, 2005. Further, the same has also been considered under non-disclosure document category and mentioned on QCI website under following link:

<https://qcin.org/public/uploads/ck->

[docs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf](https://qcin.org/public/uploads/ck-docs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf)

2. Submissions of NABL/QCI highlighting facts of the case:

1. Brief about NABL and its role as an accreditation body-

- National Accreditation Board for Testing and Calibration Laboratories (NABL) is a voluntary accreditation body, with its accreditation system established in accordance with ISO/IEC 17011. "Conformity Assessment-Requirements for Accreditation bodies accrediting conformity assessment bodies."
- NABL provides voluntary accreditation services to:
 - Testing & Calibration laboratories in accordance with ISO/ IEC 17025'General Requirements for the Competence of Testing and Calibration Laboratories'
 - Medical testing labourites in accordance with ISO 15189 Medical laboratories-Requirements for quality and competence.
 - Proficiency Testing Providers (PTP) in accordance with ISO/IEC 17043 "Conformity assessment - General requirements for proficiency testing" and

- Reference material producers (RMP) in accordance with ISO 17034 "General requirements for the competence of reference material producers".

II. Action taken on complaint and response provided by NABL/QCI through RTI & First Appeal-

Complaint matter in question was duly investigated by NABL as per procedure defined and outcome of investigation was duly conveyed to the applicant through email dated 02.03.2023 and reply to RTI application and First Appeal.

It is humbly submitted that to maintain NABL's status as a signatory to the Asia Pacific Accreditation Cooperation (APAC) and International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangements (MRA), NABL is required to comply with the international standard ISO/IEC 17011. These standard mandates the confidentiality of information handled by accreditation bodies.

Accordingly, documents such as letters issued by NABL to Fare Labs and records collected during the investigation are treated as third-party information and confidential in nature which are held by NABL in fiduciary capacity. Therefore, disclosure of such information was denied under Section 8(1) (e) of the RTI Act, 2005. In addition, these documents fall under the non-disclosure category, as mentioned on QCI website at the <https://qcin.org/public/uploads/ck-following> link:

[docs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf](https://qcin.org/public/uploads/ck-following/docs/Statement%20of%20the%20categories%20of%20documents%20held%20or%20under%20control.pdf)

However, in the aforesaid matter, appellant's complaint to M/s Fare Labs was duly acknowledged by the lab and lab has responded to the complainant via email dated 11.11.2022 at 05:38 PM (Annexure A), and also responded to the specific queries raised in the complaint on the same day at 06:12 PM (Annexure B).

- iii. Misinterpretation of Clause No. 3.9 of NABL 132A document through First Appeal and Second Appeal, Clause No. 3 9 of NABL 132A document is being referred However, the said clause has been misinterpreted. It is respectfully submitted that NABL 132A (Procedure for Dealing with Complaints Related to NABL and its Activities/Services) outlines the procedure for handling complaints received from various sources regarding NABL and its activities/services.

IV. Apprehension of applicant pertaining to non-disclosure of information- NABL/QCI has acted in a transparent manner and has

disclosed all relevant and permissible information to the applicant through appropriate responses under RTI and during the appeal process, strictly in accordance with the provisions of RTI Act, 2005.

In view of the above facts, it is humbly requested to kindly consider submissions of QCI. However, any further directions from Hon'ble CIC shall be abided by Quality Council of India."

Decision:

The Commission after adverting to the facts and circumstances of the case, hearing both the parties and perusal of the records, noted that the appellant sought information regarding decision taken by NABL regarding the closure of Complaint No. 58 of 2022.

The Commission observes that NABL, as an accreditation body, follows international standards (ISO/IEC 17011) that mandate confidentiality. The investigation details, including letters exchanged and documents collected, fall under third-party information and are held in a fiduciary capacity. The respondent has provided all permissible information and acted in accordance with the RTI Act. The detailed written submissions dated 17.03.2025 filed by the respondent CPIO are reproduced in the above paras.

The appellant neither filed any written objection nor presented himself before the Commission to controvert the averments made by the respondent and further agitate the matter. The submissions made by the respondent were taken on record.

In view of the above, the Commission finds that reply given by the respondent appears to be appropriate and intervention of the Commission is not warranted in the matter.

The appeal is disposed of accordingly.

Vinod Kumar Tiwari (विनोद कुमार तिवारी)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(S. Anantharaman)

Dy. Registrar
011- 26181927
Date

Copy To:

**The FAA
Quality Council of India,
2nd Floor, Institution of Engineers
Building, 2, Bahadur Shah Zafar Marg,
New Delhi – 110002**



Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil

PROTEST TO CIC DECISION IN TRAILING EMAIL

From Sanjaya K. Mishra <sanjayakmishra@hotmail.com>
Date Thu 2025-05-08 5:28 PM
To fdesk-cic@gov.in <fdesk-cic@gov.in>; feedback-cic@gov.in <feedback-cic@gov.in>
Cc shilpa.nabet@qcin.org <shilpa.nabet@qcin.org>

Sir/Madam,

This to register my protest on the trailing decision merely on the ground that the applicant did not submit any counter to whatever NABL submitted and not present at the time of hearing. The grounds of my protest are as follows:

1. The information of hearing, that took place after one year, was sent only through post and not through email. The applicant was not available in the address because of his Parent's eye surgery on 6th and 27th March 2025 in L V Prasad Eye Institute, Bhubaneswar, Odisha.
2. There is no information of hearing based on video conferencing or virtual hearing facility, which is very widely being practised by Hon'ble Courts and Tribunals in India.
3. The order has been passed without duly considering my documents submitted in the second Appeal.
4. The case arose because NABL did not provide information NABL/QCI has submitted in the letter dated 17.03.2025. Whatever was provided has been submitted by the applicant/appellant in the second Appeal.
5. Under 2(II) of the letter dated 17.03.2025 NABL/QCI has used a term "Proactive Action". This is a significant term and NABL/QCI has not given any reference this term in ISO 17025: 2017.
6. As given in 2 (III) of the letter dated 17.03.2025 NABL/QCI regarding Misinterpretation of Clause No. 3.9 of NABL document 132A it has completely misguided the CIC. The CIC has not duly considered the documents already submitted by the applicant/appellant.

On the above grounds, you are requested to register this protest and review your Order and oblige.

Best regards,

Sanjaya K. Mishra

Environmental Lawyer (AIBE Certified)

Pro Bono Editor, [Enviro Annotations](#) - India's First Weekly Environmental Newspaper

Mobile: 9818326647 | 9310326647 | Alternate Email: sanjayakmishra@hotmail.com

Odisha Communication: 1st Floor, Priya Nilayam, Masjid Chowk, Tikrapara, Balangir 767001
ODISHA

NCR Communication: 115, Sagar Enclave, Sector - 104, Near Daulatabad Road MGF Toyota,
Gurgaon (Gurgaon) 122006, Delhi NCR

CONFIDENTIALITY NOTE The contents of this message may be legally privileged and confidential, for the use of the intended recipient(s) only. It should not be read, copied and used by anyone other than the intended recipient. If you have received this message in error, please immediately notify us at the above co-ordinates, preserve its confidentiality and delete it from your system.

From: Central Information Commission (CIC) <no-reply@nic.in>
Sent: 08 April 2025 5:34 PM
To: sanjayakmishra@hotmail.com <sanjayakmishra@hotmail.com>
Subject: Decision Uploaded

537

Dear Sir/Madam,

Final decision on your case has been uploaded on website at [www.cic.gov.in]www.cic.gov.in Your case details are given below:

1	File Number	CIC/QCIND/A/2024/602521
2	Information Commissioner	Vinod Kumar Tiwari
3	Decision uploading date	08-04-2025
4	Hearing scheduled date	24-03-2025
5	Appellant Name	Sanjaya Kumar Mishra
6	Appellant Address	115, Sagar Enclave, Sector 104, Near Daulatabad Road MGF Toyota, Gurugram - 122006
7	Public Authority	Quality Council of India
8	CPIO details	The CPIO

The decision has been uploaded for your case CIC/QCIND/A/2024/602521. Please click here to view your decision [http://dsscic.nic.in/cause-list-report-web/download?](http://dsscic.nic.in/cause-list-report-web/download?filename=Q2FzZS04X0NJQ1FDSU5EQTIwMjQ2MDI1MjEucGRm.-CIC)

filename=Q2FzZS04X0NJQ1FDSU5EQTIwMjQ2MDI1MjEucGRm.-CIC

Regards,

Central Information Commission (CIC)

///TRUE COPY///



Re: PROTEST TO CIC DECISION IN TRAILING EMAIL

From CIC Fdesk <fdesk-cic@gov.in>
Date Thu 2025-05-08 6:27 PM
To Sanjaya K. Mishra <sanjayakmishra@hotmail.com>

Central Information Commission has no power to review its order(s) on merit.

---- On Thu, 08 May 2025 17:28:15 +0530 **Sanjaya K. Mishra**
<sanjayakmishra@hotmail.com> wrote ---

Sir/Madam,

This to register my protest on the trailing decision merely on the ground that the applicant did not submit any counter to whatever NABL submitted and not present at the time of hearing. The grounds of my protest are as follows:

1. The information of hearing, that took place after one year, was sent only through post and not through email. The applicant was not available in the address because of his Parent's eye surgery on 6th and 27th March 2025 in L V Prasad Eye Institute, Bhubaneswar, Odisha.
2. There is no information of hearing based on video conferencing or virtual hearing facility, which is very widely being practised by Hon'ble Courts and Tribunals in India.
3. The order has been passed without duly considering my documents submitted in the second Appeal.
4. The case arose because NABL did not provide information NABL/QCI has submitted in the letter dated 17.03.2025. Whatever was provided has been submitted by the applicant/appellant in the second Appeal.
5. Under 2(II) of the letter dated 17.03.2025 NABL/QCI has used a term "Proactive Action". This is a significant term and NABL/QCI has not given any reference this term in ISO 17025: 2017.
6. As given in 2 (III) of the letter dated 17.03.2025 NABL/QCI regarding Misinterpretation of Clause No. 3.9 of NABL document 132A it has completely misguided the CIC. The CIC has not duly considered the documents already submitted by the applicant/appellant.

On the above grounds, you are requested to register this protest and review your Order and oblige.

Best regards,

Sanjaya K. Mishra

Environmental Lawyer (AIBE Certified)

Pro Bono Editor, [Enviro Annotations](#) - India's First Weekly Environmental Newspaper

Mobile: 9818326647 | 9310326647 | Alternate Email: sanjayakmishra@hotmail.com

Odisha Communication: 1st Floor, Priya Nilayam, Masjid Chowk, Tikrapara, Balangir 767001
ODISHA

NCR Communication: 115, Sagar Enclave, Sector - 104, Near Daulatabad Road MGF Toyota,
Gurgaon (Gurgaon) 122006, Delhi NCR

CONFIDENTIALITY NOTE The contents of this message may be legally privileged and confidential, for the use of the intended recipient(s) only. It should not be read, copied and used by anyone other than the intended recipient. If you have received this message in error, please immediately notify us at the above co-ordinates, preserve its confidentiality and delete it from your system.

From: Central Information Commission (CIC) <no-reply@nic.in>

Sent: 08 April 2025 5:34 PM

///TRUE COPY///

539

To: sanjaykmishra@hotmail.com <sanjaykmishra@hotmail.com>

Subject: Decision Uploaded

Dear Sir/Madam,

Final decision on your case has been uploaded on website at [www.cic.gov.in]www.cic.gov.in Your case details are given below:

1	File Number	CIC/QCIND/A/2024/602521
2	Information Commissioner	Vinod Kumar Tiwari
3	Decision uploading date	08-04-2025
4	Hearing scheduled date	24-03-2025
5	Appellant Name	Sanjaya Kumar Mishra
6	Appellant Address	115, Sagar Enclave, Sector 104, Near Daulatabad Road MGF Toyota, Gurugram - 122006
7	Public Authority	Quality Council of India
8	CPIO details	The CPIO

The decision has been uploaded for your case CIC/QCIND/A/2024/602521. Please click here to view your decision <http://dsscic.nic.in/cause-list-report-web/download?filename=Q2FzZS04X0NJQ1FDSU5EQTIwMjQ2MDI1MjEucGRm>. -CIC

Regards,
Central Information Commission (CIC)

///TRUE COPY///

540



Sanjaya Kumar Mishra <sanjayakmishra@gmail.com>

SERVICE OF APPLICANT'S REJOINDER IN O.A. No. 68 of 2025 IN THE MATTER OF: Sanjaya Kumar Mishra Advocate Versus Central Pollution Control Board & Anr.

1 message

Sanjaya Kumar Mishra <sanjayakmishra@gmail.com>

8 November 2025 at 11:56

To: suman arora <aroras16@gmail.com>, rajkumar_1992@yahoo.com, adv.tanishasamanta@gmail.com

Madam/Sir,

Please find attached the Rejoinder to the Additional Reply filed by Respondent No. 1 – CPCB dated 05.08.2025, Affidavit dated 12.08.2025 and to the Reply dated 16.08.2025 filed by Respondent No. 2, affidavit being filed in OA No. 68/2025 in the matter of Sanjaya Kumar Mishra vs. CPCB & Anr.

Regards,
Sanjaya Kumar Mishra
Applicant in Person
Contact No. 9818326647

 **Rejoinde 2 in OA 68 of 2025.pdf**
4527K