

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

INDEX

ORIGINAL APPLICATION NO. 54 OF 2025

IN THE MATTER OF:

Yudhveer Singh Chauhan & Anr. ...Applicants

-Versus-

Uttarakhand Forest Department & Ors. ...Respondents

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REJOINDER ON BEHALF OF APPLICANTS TO THE REPLY FILED BY RESPONDENT NO. 12 (MANDI SAMITI, VIKASNAGAR)

1. Preliminary Submission

The Applicants respectfully submit that the statements made in the Reply of Respondent No. 12 are untenable and contrary to record. The Respondent seeks to justify the cold storage project as lawful, whereas the admitted facts and documents demonstrate that the project commenced without mandatory approvals and with several procedural irregularities.

2. Regarding Permissions (Paras 3 & 6)

The Respondent claims that all necessary permissions were obtained, including tree-felling and construction approvals. However:

- The **construction work order was issued on 04.12.2023 (Annexure B of OA)**, while **Consent to Establish (CTE) was not even applied for until 28.04.2025**, i.e., nearly 16 months later, and after filing of the OA.
- The **tree felling permission was granted only on 19.11.2024**, almost a year after commencement of work, which shows clear illegality.

This establishes that the project commenced unlawfully without prior approvals.

3. **Need for Cold Storage vs. Traders' Needs (Paras 5, 6, 8, 9 & 29)**

The Respondent emphasizes the “need” for cold storage at Vikasnagar. However, the Applicants submit:

- In Dehradun, the State’s main mandi, no govt. cold storage has been built, yet two facilities are being proposed in a smaller mandi at Vikasnagar.
 - An earlier proposal dated 29.10.2021 (Annexure A1) by Respondent itself acknowledged that **151 licensed traders have no shops**, showing that shops were the genuine need.
 - Thus, the Respondent’s shifting justification is arbitrary and contrary to farmers’ and traders’ real requirements.
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4. **Contradictions in Tree Data (Paras 10, 14, 19(i) & 19(ii))**

- The **Joint Committee Report dated 04.12.2023** itself noted that land was not clear and 32 mango trees existed. Yet, work order was of the *same date*, contradicting the claim of compliance.
 - Tree counts shifted arbitrarily — **32 trees**, and later **66 shown** in para 14, and then again **32 trees** in para 19(ii) and finally **18 trees** felled.
 - Ages also changed — earlier 40-50 years, now shown as only 32 years. Such inconsistencies cast doubt on credibility of reports.
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5. **Compensatory Plantation (Para 26)**

- Respondent claims plantation was completed on **15.02.2025**, but photos filed are dated **06.09.2025**, showing that plantation was carried out only later, likely after NGT proceedings commenced.

- Even then, plantation is tokenistic, limited to a small patch (approx. 36 trees) in an area originally proposed for construction of shops (Annexure A2).
 - This indicates that plantation was a **post-facto eyewash under fear of NGT**, not genuine compliance.
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6. CTE Application and Sensitive Area Issue (Para 27 & 30)

- The Respondent admits that CTE was applied only on 28.04.2025, i.e., after the filing of the OA, and was returned on 11.06.2025 due to violation of the minimum 100-meter sensitive area distance.
- The site is situated within 100 meters of a school(from para 27), and the main access route for parents, schoolchildren, and school transport vehicles is through the mandi itself.
- Establishing a cold storage at this location poses grave risks:
 - Heavy trucks entering the mandi for cold storage operations will endanger schoolchildren and create traffic hazards.
 - In the event of a fire or refrigerant leakage, smoke and toxic gases could directly affect the nearby school population.
- The Respondent's claim in Para 30 that the cold storage will use "good quality eco-friendly technology" is at best a minimum standard of safety, and cannot be a guarantee where the very location itself is unsafe and contrary to CPCB guidelines.

7. Submissions specific to Respondent No. 10 (UKAPMB):

The reply filed by Respondent No. 10 (UKAPMB) is substantially similar in content and legal justification to the reply filed by Respondent No. 12 (Mandi Samiti). However, a critical additional admission is present in the reply of Respondent No. 12. In Para 27 of their reply, Respondent No. 12 admits that the Consent to Establish (CTE) application was returned because the proposed project site is situated within less than 100 meters of a sensitive institution (a school).

In contrast, Respondent No. 10 does not contain such an admission in their reply. Except for this specific admission, the factual and legal contentions advanced in the replies of Respondent No. 10 and Respondent No. 12 are substantially identical.

The Applicants respectfully submit that for the sake of brevity and procedural efficiency, the Tribunal may refer to the detailed submissions and factual analysis contained in the Rejoinder filed against Respondent No. 10 (UKAPMB), along with its annexures. These submissions fully apply and are relied upon against Respondent No. 12 (Mandi Samiti) as the same material facts and legal violations are common to both respondents.

8. Submissions specific to Respondent No. 8 (Office of the Sub General Manager, Uttarakhand Agriculture Board, Dehradun Vikasnagar):

The reply filed by Respondent No. 8 is substantially similar to the reply of Respondent No. 10 (UKAPMB) and does not contain any specific admission regarding the CTE application being returned due to site sensitivity. The Applicants respectfully submit that the detailed submissions, annexures, and legal arguments contained in the Rejoinder filed against Respondent No. 10 (UKAPMB) fully apply and are relied upon against Respondent No. 8 as well, since the same material facts, procedural irregularities, and legal violations are common to both Respondents.

Conclusion

The Reply of Respondent No. 12 is riddled with contradictions and afterthought justifications. The sequence of work order, tree felling, delayed plantation, and post-facto CTE application proves that the project was commenced in blatant violation of environmental safeguards, statutory procedures, and social concerns. The Respondent's conduct also reflects a presumptive attitude that permissions would inevitably be granted later, as if legal requirements were a mere formality. Such unlawful confidence raises serious concerns of either deliberate disregard for environmental laws or possible collusion with authorities.

Prayer

In light of the above, the Applicants respectfully pray that this Hon'ble Tribunal may be pleased to:

1. **Order an independent inquiry** into the procedural lapses, environmental violations, and contradictions in permissions and reports submitted by Respondent No. 12.
2. Direct an **independent scientific inspection** of the remaining mango trees at the project site to determine their true condition and ecological value, since the earlier reports describing 18 felled trees as in poor condition. The Applicants also rely on photographs of remaining trees at the site showing

healthy fruit-bearing condition, which contradicts the earlier inspection reports. These may kindly be verified by an independent authority.

3. Direct a probe, preferably through the **Central Bureau of Investigation** (CBI) or any other independent agency, into how the project was allowed to commence without any prior permissions, and why Respondent No. 12 (Mandi Samiti, Vikasnagar) proceeded as if approvals were assured. This raises serious concerns of collusion between the Mandi Samiti and higher authorities, including the Respondent no. 10 (Uttarakhand Agriculture Produce Marketing Board ,UKAPMB), or deliberate non-compliance with environmental laws.
4. Direct immediate halt to further construction and tree felling until compliance with all legal requirements is verified.
5. Pass any other order this Hon'ble Tribunal deems fit in the interest of justice and environmental protection.

Affidavit & verification

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

O.A. No. 54 of 2025

IN THE MATTER OF:

Yudhveer Singh Chauhan & Anr.Applicants

Versus

Uttarakhand Forest Department & Ors.Respondents



AFFIDAVIT

We, **Yudhveer Singh Chauhan**, aged about 27 years, and **Anshul Chauhan**, aged about 22 years, residents of Krishi mandi parisar, C-56, Vikasnagar, Dehradun, Uttarakhand 248198, Applicants in the above matter, do hereby solemnly affirm and declare as under:

1. That we are the Applicants in the present matter and are competent to swear this affidavit.

That the contents of the accompanying Rejoinder are true and correct to our knowledge and belief, and nothing material has been concealed therefrom.



DEPONENTS

Verification:

Verified at Dehradun on this 15.09.2025 day of September, 2025, that the contents of the above affidavit are true and correct to our knowledge and belief and nothing material has been concealed therefrom.

DEPONENTS

[Handwritten signature]

[Handwritten signature]

This affidavit is sworn before me by
Shri. *Yudhveer Singh Chauhan*
who is identified by Shri. *Anshul Chauhan*
at Dehradun on *15/9/25*

(Rajender Singh Negi)
Advocate & Notary, Dehradun

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OA No. 54/2025 – Service of Applicants' Rejoinder(s) and IA

Anshul Chauhan <anshulchauhan0025@gmail.com> 1:55 PM (0 minutes ago)

to Pccf-forest-uk, dfo_kalsi, mefcc, msukpcb, rajan, sanand.cpcb, sdm.vikasnagar, dm-deh-ua, gmtdun, uamandi, vikashnagar.mandi

Dear Sir/Ma'am,

Please find attached herewith copies of the **Rejoinders** (for Respondent Nos. 4, 6, 8, 10 & 12) and the **Interim Application (IA) with Annexures A1–A6**, filed by the Applicants today in **O.A. No. 54 of 2025, Yudhveer Singh Chauhan & Anr. vs. Uttarakhand Forest Department & Ors.**, before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

This email is being sent in compliance with service requirements. Kindly acknowledge receipt.

Thanks and Regards,
Yudhveer Singh Chauhan & Anshul Chauhan
(Applicants, Party-in-Person)

4 Attachments • Scanned by Gmail

- Rejoinder_06_CP...
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- NGT_IA.pdf