BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46 OF 2025

IN THE MATTER OF

Sanjaya Kumar Mishra **...APPELLANT**

VERSUS

Ministry of Environment, Forest and Climate Change & Ors.
...RESPONDENTS

REJOINDER TO THE ADDITIONAL REPLY FILED BY RESPONDENT NO. 3 (M/s EQMS Global Pvt. Ltd.), ALONG WITH AFFIDAVIT

INDEX

Place: Gurugram
Dated: 18.07.2026

(FILED BY)

Sanjaya Kumar Mishra

Appellant
(Sanjaya Kumar Mishra)
Contact No. 9818326647
Email: sanjayakmishra@hotmail.com

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MOST RESPECTFULLY SHOWETH:

The Appellant, Sanjaya Kumar Mishra, most respectfully files the present Rejoinder to the Reply Affidavit dated 08.04.2026, uploaded on the NGT web portal on 17.04.2026 (hereinafter referred to as "the Reply"), filed by Respondent No. 3 (M/s EQMS Global Pvt. Ltd., hereinafter referred to as "R-3" or "the EIA Consultant").

Preliminary Submissions:

1. At the outset, it is respectfully submitted that the Reply of R-3 does not satisfactorily answer the foundational grounds urged in the Appeal. Instead, it primarily seeks to explain or justify the Environmental Impact Assessment (hereinafter referred to as "EIA") through subsequent explanations and revised material.
2. That the Reply is an afterthought, filed only after the Appellant's detailed Common Rejoinder dated 01.01.2026, and is replete with evasive denials,

self-serving justifications, and mischaracterizations of the Appellant's bona fides. It fails to substantively address the grave and objective methodological and data integrity violations highlighted in the Appeal.

3. That the Appellant strongly objects to the unwarranted personal allegations made in the Reply, including insinuations of mala fides, "forum shopping" and describing the Appellant as a "busybody Consultant masquerading as a Lawyer" (Paras 3, 17, 18, 23, 25, 30 and 35). Such allegations are wholly irrelevant to the issues arising in the present Appeal and appear intended to divert attention from the substantive deficiencies in the EIA Report prepared by Respondent No.3. Significantly, the Reply is self-contradictory, as at one place it attempts to portray the Appellant as acting on behalf of a competing consultant, while at another it describes the Appellant as a consultant masquerading as a lawyer. These mutually inconsistent allegations are unsupported by any material on record and deserve to be rejected. The Appellant is a practising Advocate and environmental litigant who has raised substantial issues relating to compliance with the approved Terms of Reference and environmental norms. The Appellant's locus standi cannot be questioned when the Appeal raises substantial environmental issues falling within the jurisdiction of this Hon'ble Tribunal.

4. The Reply of R-3 seeks to shift responsibility for the deficiencies in the EIA Report entirely onto the Expert Appraisal Committee (hereinafter referred to as "EAC"), while disclaiming its own responsibilities as the EIA Consultant. The contention that its role was limited to "providing scientific and technical inputs" is contrary to the NABET Scheme. As an Accredited Consultant Organisation (hereinafter referred to as “ACO”), R-3 was responsible for preparing and certifying the EIA Report. The R-3 also furnished an Undertaking dated 10.08.2024 (Page 394), certifying the correctness of the data and information contained in the EIA Report and accepting responsibility for its contents. Having furnished such

certification, R-3 cannot now disclaim responsibility for the accuracy, completeness and integrity of the EIA Report.

COUNTER TO THE PRELIMINARY SUBMISSIONS AND SPECIFIC PARAGRAPHS OF R-3'S REPLY:

5. That the averments under Paras 1 to 3 are denied. The Appellant has not engaged in "forum shopping". The present Appeal is the statutory challenge to the Environmental Clearance before this Hon'ble Tribunal, whereas the representation to NABET (Annexure A/10), requesting that the accreditation of Respondent No.3 not be renewed, was an independent recourse available under the NABET Scheme. Further, NABET, in its RTI reply dated 09.06.2026, has categorically stated that "NABET does not adjudicate private disputes or complaints between parties and such matters are not under the purview of NABET." NABET has further informed that the matter stands closed. Even in its subsequent RTI reply dated 10.07.2026, NABET did not disclose any material supporting the assertion of R-3 that the matter was pending adjudication. The allegation of "forum shopping" is therefore factually incorrect and legally untenable.

6. That the contention under Para 4 is denied. The averments in the Appellant's Common Rejoinder constitute a direct and necessary response to the contentions raised by Respondent No.2 and Respondent No.3 in their replies. The core grounds of the Appeal continue to be the flawed baseline data, methodological violations and non-compliance with the approved Terms of Reference (hereinafter referred to as "ToR"). It is specifically denied that the Common Rejoinder introduces any new facts or amends the pleadings. The references to the NABET Scheme and the Undertaking are legal submissions supported by documents already on record, relied upon to demonstrate the role and responsibility of R-3 in preparing and certifying the EIA Report.

7. That the averments under Para 5 are denied. The assertions that the

Appellant's objections are factually incorrect, technically misconceived and already considered during appraisal are unsupported conclusions. R-3 cannot reduce its role to a "limited technical mandate". As the NABET-accredited Consultant Organisation which prepared and certified the EIA Report and furnished the Undertaking dated 10.08.2024, it remains responsible for the correctness, completeness and integrity of the report. Mere appraisal by the EAC cannot cure defects in the underlying data or methodology.

8. That the averments under Paras 6 to 8 are denied. The attempt by R-3 to portray itself as a mere "technical compilation" agency is contrary to the NABET Scheme and its own Undertaking dated 10.08.2024. As the ACO, R-3 was responsible for preparing and certifying the EIA/EMP Report, including the baseline studies, monitoring methodology, interpretation of data and the scientific integrity of the report. The EAC appraises the EIA Report; it neither generates nor independently verifies the primary environmental data. Consequently, the validity of the appraisal necessarily depends upon the accuracy and reliability of the EIA Report. Having furnished an Undertaking certifying the correctness of the data and accepting responsibility for the contents of the EIA Report, R-3 cannot now disclaim responsibility for its correctness, completeness or scientific integrity, or shift such responsibility onto the EAC.

9. That the contents of Paras 9 to 17 are denied. The detailed chronology of meetings is not in dispute. However, R-3 mischaracterises the repeated deferrals by the EAC as affirming the credibility of the EIA Report. On the contrary, the repeated revisions themselves demonstrate that the original report suffered from serious deficiencies requiring correction following scrutiny by the EAC and objections raised by the Appellant. The EAC, in its Minutes of Meeting, recorded "casual and misleading" submissions and directed Respondent No.2 to "revisit the entire data submitted in totality... to ensure data consistency". These observations

demonstrate that the initial baseline data and methodology were unreliable. The subsequent Environmental Clearance neither addresses these deficiencies nor deals with the specific technical objections raised by the Appellant.

10. That the contention regarding the Appellant's locus is denied. The Appellant has participated in the appraisal process by submitting detailed objections and has raised substantial issues relating to compliance with the approved Terms of Reference and environmental norms. The judgments relied upon by Respondent No.3 are distinguishable on facts and do not apply to the present case. It is pertinent to mention that this Hon'ble Tribunal, in its Order dated 22.04.2026 in Original Application No. 137/2025, *Renu Bala v. MoEF&CC & Ors.*, while considering a similar objection on locus, observed that: *"...Such a stand will not make any difference because substantial issue of violation of environmental norms in the project has been raised in the OA, therefore, we do not deem it proper to reject the OA on the ground of locus but we intend to examine the issue of compliance and violation of environmental norms by the respondent..."* The present Appeal likewise raises substantial issues concerning compliance with the approved ToR and, therefore, the objection to the Appellant's locus deserves to be rejected.

11. That the contents of Paras 20 to 22 are denied. The contention that the Appellant has relied only upon the EIA Report dated 29.10.2024 is incorrect. The Appellant has examined the revised EIA documents placed before the EAC as well as the Environmental Clearance. The successive revisions themselves demonstrate that the original report suffered from substantial deficiencies requiring repeated corrections and cannot retrospectively validate deficiencies existing during the appraisal process. Further, the explanation of a "typographical or reporting error" for data shown as "0" is itself an admission that the EIA Report contains errors in the baseline data. An EIA is a scientific document and such errors in core

baseline data seriously undermine its credibility and reliability. Further, reliance on 24-hour sampling is contrary to IS 5182 (Part 25), which prescribes 1-hour monitoring for Ammonia. This non-compliance renders the Ammonia baseline data unreliable, as already placed on record by the Appellant.

12. That the contents of Paras 23 to 28 are denied. The contention that the identified deviations do not invalidate the baseline data is misconceived. The CPCB Guidelines and IS 5182 prescribe the sampling methodology to ensure accuracy, reliability and comparability of environmental data. The Appellant has demonstrated deviations relating to the prescribed sampler height, inconsistent use of "combo" and "high-volume" samplers, and the absence of documentary evidence establishing compliance with the prescribed methodology. The contention that the Appellant, being an Advocate, is not competent to raise such issues is wholly irrelevant, as the deficiencies are evident from the EIA Report itself and the applicable technical standards. Mere acceptance by the EAC cannot cure non-compliance with the prescribed methodology.

13. That the contents of Paras 29 to 34 are denied. The contention that Mercury and other parameters were "below detectable limits" does not answer the Appellant's case. The issue is not the reported value but the failure to report the mandated observations, including 104 observations for Mercury, as required under the approved Terms of Reference (ToR). Non-reporting of the prescribed monitoring data constitutes non-compliance with the ToR. The contention regarding Nickel is also denied for the reasons already placed on record.

14. The approved ToR, being a binding regulatory instrument issued under the EIA Notification, 2006, must be read as a whole, giving due effect to each of its stipulations. Compliance with every requirement of the ToR is mandatory and cannot be diluted, selectively complied with or

retrospectively cured through subsequent revisions of the EIA Report.

15. Further, mere production of a NABL accreditation certificate or CPCB recognition does not establish that every test relied upon in the EIA Report was performed within the accredited scope of the laboratory and in accordance with the applicable accreditation conditions. The burden lies upon Respondent No.3, as the Consultant which prepared and certified the EIA Report, to establish that the laboratory results relied upon satisfy the applicable accreditation requirements. Respondent No.3 has failed to produce any material demonstrating that the radiological analyses were within the NABL-accredited scope or that the reports complied with the applicable NABL requirements, including the use of the NABL symbol as prescribed under NABL Document 133. The mere assertion of NABL accreditation is therefore insufficient.

16. That the contents of Paras 35 to 39 are denied. The contention that the Appellant did not participate in the public hearing does not answer the issues raised in the present Appeal. The Appellant submitted detailed technical objections before the EAC through the PARIVESH Portal, which were required to be duly considered during appraisal. The failure to consider and address those objections forms one of the principal grounds of challenge in the present Appeal. Further, the financial commitment of Rs. 40.10 crores pursuant to the public consultation cannot cure the fundamental deficiencies in the baseline data, monitoring methodology and non-compliance with the approved ToR. The allegation that the Appeal is founded on "selective observations" is denied. The Appellant's challenge is based upon a comprehensive examination of the EIA Report, the successive revised EIA reports, the EAC proceedings and the Environmental Clearance, all of which demonstrate substantial non-compliance with the approved Terms of Reference, prescribed standards and applicable guidelines.

17. That the contents of Paras 37 to 39 are denied. The contention that the Appeal discloses no cause of action against Respondent No.3 is misconceived. The Appeal specifically challenges the correctness, completeness, methodology, reliability and statutory compliance of the EIA Report prepared and certified by Respondent No.3. Since the Environmental Clearance is founded upon the said EIA Report, the legality of the Environmental Clearance cannot be effectively adjudicated without examining the report and the responsibility of Respondent No.3 for its preparation and certification. Respondent No.3 is, therefore, a proper and necessary party to the present proceedings.

COUNTER TO THE PRAYER IN R-3'S REPLY:

18. That the prayer of R-3 seeking discharge from the array of parties is strongly opposed. R-3, being the ACO, which prepared and certified the EIA Report, is a proper and necessary party to the present proceedings. Its responsibility arises from its Undertaking dated 10.08.2024, the NABET Scheme and the applicable statutory and technical requirements governing preparation of the EIA Report. The issues raised in the present Appeal cannot be effectively and completely adjudicated in the absence of R-3. Accordingly, the prayer for discharge deserves to be rejected.

In view of the foregoing, it is respectfully submitted that the Reply filed by R-3 fails to answer the substantial grounds raised in the Appeal and does not dispel the material deficiencies in the EIA Report prepared and certified by it. The submissions of R-3 are contrary to the approved ToR, the applicable statutory framework, prescribed standards and the record, including the observations of the EAC. R-3 is a proper and necessary party to the present proceedings, and its prayer for discharge deserves to be rejected. It is, therefore, respectfully prayed that this Hon'ble Tribunal may reject the contentions raised in the Reply of R-3, dismiss its prayer for discharge from the array of parties, allow the present Appeal by setting aside the impugned Environmental Clearance, and pass such further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

(Appellant)

Place: Gurugram
Dated: 18.07.2026

BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 46 OF 2025

This document has been registered at Sr. No. 525 Book No. 01 Page No. 131 On Dated 18-7-2026

IN THE MATTER OF:-

Sanjaya Kumar Mishra ...**Appellant**

VERSUS

Ministry of Environment, Forest and Climate Change & Ors. ...**Respondents**

AFFIDAVIT

I, Sanjaya Kumar Mishra, son of Shri Nilamani Mishra, having NCR communication address at Building No. 115, Sagar Enclave, Sector 104, Near Daulatabad Road, MGF Toyota, Gurugram 122006, Haryana, do hereby solemnly affirm and declare as under: -

1. That I am the Appellant in the present Appeal challenging the Environmental Clearance dated 30.04.2025 and am fully conversant with the facts and circumstances of the case. I am competent to swear this Affidavit.
2. That I have drafted the accompanying Rejoinder with reference to the Reply dated 08.04.2026, e-filed and uploaded on the NGT portal on 17.04.2026 by Respondent No. 3. The accompanying Rejoinder has been prepared on the basis of the records available to me and the latest information available at the time of filing. I believe the contents thereof to be true and correct.
3. That the contents of the accompanying Rejoinder shall be read as an integral part of this Affidavit and are not being repeated herein for the sake of brevity.

NOTARY
Karan Singh Yadav
Gurugram
Reg. No. 46778
Exp. Date
12-03-2030
GOVT. OF INDIA

Sanjaya Kumar Mishra
DEPONENT

VERIFICATION:

Verified at **Gurugram** on this 18th **day of** July, **2026**, that the contents of the above Affidavit are true and correct to the best of my knowledge and belief, and that nothing material has been concealed therefrom.

ATTESTED
18/7/2026
KARAN SINGH YADAV, ADVOCATE
NOTARY, GURUGRAM, HR. (INDIA)
18 JUL 2026

Sanjaya Kumar Mishra
DEPONENT

Annexure A-12

भारतीय गुणवत्ता परिषद्
QUALITY COUNCIL® OF INDIA
QCI Creating an Ecosystem for Quality

भारत सरकार के वाणिज्य एवं उद्योग मंत्रालय द्वारा स्थापित एक स्वायत्त निकाय
An autonomous body setup by Ministry of Commerce and Industry, Government of India

QCIND/R/E/26/00055
09th June, 2026

Mr. Sanjaya Kumar Mishra,
115, Sagar Enclave, Sector 104,
Near Daulatabad Road Indl. Area,
Dwarka Expressway, Gurugram, Haryana, Pin:122001.

Dear Sir,

Please refer to your online RTI application dated 12th May, 2026 seeking information under RTI Act, 2005. The point wise response to your RTI is appended below:

S. No.	RTI Query	RTI Reply
1	Kindly provide information regarding regulations, notifications, or orders specifying whether NABET-QCI is authorized to adjudicate disputes or complaints between parties.	NABET does not adjudicate private disputes or complaints between parties and such matters are not under the purview of NABET.
2	Kindly inform whether any dispute, complaint, or proceeding involving EQMS GLOBAL PVT. LTD. and Sanjaya Kumar Mishra is pending before NABET-QCI.	No.
3	If yes, kindly provide the Name and designation of the competent authority handling the matter and the present status of the matter.	The matter has been closed. Further the information sought is exempted from disclosure under Section 8(1)(g) of the Right to Information Act, 2005, as disclosure of the same may endanger the life or physical safety of the officials concerned.
4	Kindly provide copies or details of registration, notices, communications, or correspondence issued to the parties in relation to the matter.	The information sought pertains to third-party commercial/ confidential information and trade secrets, disclosure of which is exempted under Section 8(1)(d) of the RTI Act, 2005.

The First Appellate Authority of the Quality Council of India is Mr. Chakravarthy T. Kannan, Secretary General.

If you are not satisfied with this response, you may lodge an appeal with the First Appellate Authority within 30 days of receiving this reply.

- Office address: Quality Council of India, World Trade Centre, J 200, Block J, Nauroji Nagar, New Delhi-110029.
- Email: faaqci@qcin.org

(Note: For RTI applications originally filed online via the RTI MIS portal, the applicant must file the First Appeal online through the same portal.)

Thanking you,
Yours faithfully,

AkSingh

(Amit Kumar Singh)
Joint Director & CPIO
Quality Council of India.
Tel:011-26186680
Email: amit.nbqp@qcin.org

भारतीय गुणवत्ता परिषद्
QUALITY COUNCIL OF INDIA
QCI Creating an Ecosystem for Quality

भारत सरकार के वाणिज्य एवं उद्योग मंत्रालय द्वारा स्थापित एक स्वायत्त निकाय
An autonomous body setup by Ministry of Commerce and Industry,
Government of India

QCIND/A/E/26/00010
10th July, 2026

Mr. Sanjaya Kumar Mishra,
115, Sagar Enclave, Sector 104,
Near Daulatabad Road Indl. Area,
Dwarka Expressway, Gurugram,
Haryana- 122001.

Dear Sir,

This has reference to your First Appeal application filed online dated 11th June, 2026 against reply provided by CPIO through RTI No. QCIND/R/E/26/00055 reply letter dated 09th June, 2026.

On scrutiny of your First Appeal and RTI application, it has been observed that applicant has sought clarification w.r.t role of NABET authority for adjudicating disputes or complaint between parties and details pertaining to complaint or proceedings against organisation i.e. EQMS Global Pvt. Ltd.

In this regard, the following is mentioned:

1. Through Serial no. 1 and 2 of RTI application, applicant had sought clarification w.r.t role of NABET authority for adjudicating disputes and information pertaining to any dispute or complaint between EQMS Global Pvt. Ltd and Mr. Sanjaya Kumar Mishra for which appropriate reply has been provided by CPIO. Further, applicant through First Appeal has not raised any concern w.r.t said points. Hence, reply to both points is being upheld.

2. W.r.t. the information being sought through Serial No. 3 of RTI application, the same is exempt under Section 8(1)(g) of the Act, as its disclosure is likely to endanger the life or physical safety of the officials concerned and may expose them to unwarranted harassment or intimidation in the discharge of their official functions.

3. For information sought at Serial No. 4 of RTI application, may please note that the EIA Accreditation Scheme is governed by the Ministry of Environment, Forest and Climate Change (MoEF&CC). The information sought pertains to an accredited EIA Consultant Organization, which constitutes third-party information obtained and maintained by NABET in the course of its accreditation functions. Such information is commercial in confidence and is exempt from disclosure under Section 8(1)(d) of the Right to Information Act, 2005.

In view of the above, the reply provided by CPIO, QCI is in order and I uphold the reply.

Accordingly, your appeal is disposed of.

Thanking you,
Yours faithfully,

Kannan

(Chakravarthy T. Kannan)
Secretary General & Appellate Authority,
Quality Council of India.

Outlook

Advance Service of Filing of Rejoinder to the Additional Reply filed by Respondent No. 3 in Appeal/46/2025 in the Matter of Sanjaya Kumar Mishra versus Ministry of Environment, Forest and Climate Change & Ors.

From Sanjaya K. Mishra <sanjayakmishra@hotmail.com>
Date Sun 2026-07-19 4:50 AM
To Adarsh Tripathi <adarsht912003@gmail.com>; Ajay Kumar Pandey <pandeylegal@gmail.com>

1 attachment (2 MB)
Rejoinder to R-3.pdf;

Dear Sir,

Please be in receipt of the Advance Service of Filing of Rejoinder to the Additional Reply filed by Respondent No. 3 in Appeal/46/2025 for your kind information and reference.

Regards,

Sanjaya Kumar Mishra
Appellant
Mobile: 9818326647, 9310326647
115, Sagar Enclave, Sector - 104, Near Daulatabad Road MGF Toyota,
Gurugram (Gurgaon) 122006, Delhi NCR