

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 1336 of 2024****IN THE MATTER OF:**

TAJ FORGING PVT LTD

...APPLICANT

VERSUSHARYANA STATE POLLUTION CONTROL BOARD
AND OTHERS

...RESPONDENTS

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 1336 of 2024****IN THE MATTER OF:**

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...APPLICANT

VERSUS

HARYANA STATE POLLUTION CONTROL BOARD
AND OTHERS

...RESPONDENTS

REJOINER AFFIDAVIT ON BEHALF OF THE APPLICANT IN**RESPONSE TO THE REPLY FILED BY RESPONDENT NO. 1 and 2****MOST RESPECTFULLY SHOWETH:**

I, Navneet Goyal, son of Sh Shiv Sharan Goyal, residing at House No. 1204, Sector – 15, Escorts Nagar, Faridabad, Haryana – 121007 do hereby solemnly affirm and declare as under:

1. That the deponent is the authorized representative of the applicant company and has been authorized by the applicant company to file the present rejoinder affidavit.
2. That the present rejoinder is being filed on behalf of Applicant, in response to the Reply filed by ("Respondent 1 and 2") to the present Original Application.

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3. That at the very outset, the Applicant denies each averment stated in the Respondent's Reply except for those that are a matter of record and/or explicitly admitted herein. It is clarified that there shall be no admission on the part of the Applicant for want of specific denial and/or traverse.
4. It is submitted that the detailed submissions made by the Applicant in the Original Applicant may be read as part and parcel of the present Rejoinder and the same is not being reiterated herein for the sake of brevity.
5. That the Applicant submits this rejoinder in response to the Reply filed by the Respondents 1 and 2, refuting the Respondents' contentions and reiterating the material facts, legal principles, and procedural irregularities that have been consistently overlooked and/or misrepresented. The Respondents' Replies are based on presumptions, selective disclosures, and an erroneous interpretation of environmental regulations, particularly with respect to the Noise Pollution (Regulation and Control) Rules, 2000



PRELIMINARY SUBMISSIONS AND OBJECTIONS

- A. That the applicant states that in exercise of the powers conferred by clause (ii) of sub-section (2) of section 3, sub-section (1) and clause

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(b) of sub-section (2) of section 6 and section 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule 5 of the Environment (Protection) Rules, 1986, the Central Government notified The Noise Pollution (Regulation and Control) Rules, 2000 rules for the regulation and control of noise producing and generating sources.

B. That for the proper adjudication of the present lis applicant would like to highlight Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000. For the sake of the convenience of this Hon'ble court it is reproduced herein below:

"7. Complaints to be made to the authority.

(1) A person may, if the noise level exceeds the ambient noise standards by 10 dB(A) or more given in the corresponding columns against any area/zone (or, if there is a violation of any provision of these rules regarding restrictions imposed during night time,) make a complaint to the authority.

(2) The authority shall act on the complaint and take action against the violator in accordance with the provisions of these rules and any other law in force."

C. That the applicant would also like to highlight Rule 8 as well as the Schedule attached to the Noise Pollution (Regulation and Control)

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Rules, 2000. For the sake of the convenience of this Hon'ble court it is reproduced herein below:

8. Power to prohibit etc. continuance of music sound or noise.

(1) If the authority is satisfied from the report of an officer in-charge of a police station or other information received by him (including from the complainant) that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any person who dwell or occupy property on the vicinity, he may, by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating:

(a) the incidence or continuance in or upon any premises of –

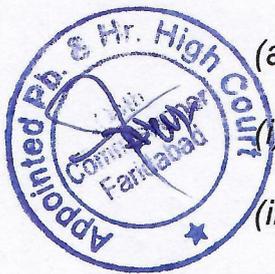
(i) any vocal or instrumental music,

(ii) sounds caused by playing, beating, clashing, blowing or use in any manner whatsoever of any instrument including loudspeakers, (public address systems, horn, construction equipment, appliance or apparatus) or contrivance which is capable of producing or re-producing sound, or

[(iii) sound caused by bursting of sound emitting fire crackers, or]

(b) the carrying on in or upon, any premises of any trade, avocation or operation or process resulting in or attended with noise.

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(2) The authority empowered under sub-rule (1) may, either on its own motion, or on the application of any person aggrieved by an order made under sub-rule (1), either rescind, modify or alter any such order:

Provided that before any such application is disposed of, the said authority shall afford to the applicant (and to the original complainant, as the case may be) an opportunity of appearing before it either in person or by a person representing him and showing cause against the order and shall, if it rejects any such application either wholly or in part, record its reasons for such rejection.

SCHEDULE

(see rule 3(l) and 4(l))

Ambient Air Quality Standards in respect of Noise



Area Code.	Category of area/zone.	Limits in dB(A) Leq.	
		Day Time	Night Time
(A)	Industrial area	75	70
(B)	Commercial area	65	55
(C)	Residential area	55	45
(D)	Silence Zone	50	40

Note:-

1. Day time shall mean from 6.00 a.m. to 10.00 p.m.
2. Night time shall mean from 10.00 p.m. to 6.00 a.m.
3. Mixed categories of areas may be declared as one of the four above mentioned categories by the competent authority.

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**dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing.*

A "decibel" is a unit in which noise is measured.

"A", in dB(A) Leq, denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear.

Leq : It is an energy mean of the noise level, over a specified period.

D. That it is clear from the above that a person has the right to file the complaint only if the noise level exceeds the prescribed ambient standards by 10 dB(A) or more.

E. It is respectfully submitted that the Applicant's industrial premises is located in an industrial area, and accordingly, the applicable noise limit is 75 dB(A) during daytime and 70 dB(A) during night time.

F. It is respectfully submitted that the issuance of the first Show Cause Notice dated 16.05.2024 was itself unwarranted, having been premised on an inspection report dated 30.04.2024 which, upon a plain reading, does not disclose any breach of the Noise Pollution (Regulation and Control) Rules, 2000. The noise levels recorded at the outer boundary of the Applicant's premises—particularly towards the common side with Respondent No. 3 (Poly Medicare Ltd.)—were well within the prescribed ambient limits of 75 dB(A) applicable to industrial areas during daytime under the Schedule to



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Rule 3(1). Notably, the reading at the boundary wall stood at 81.1 dB(A) with operational machinery, which, even if marginally above the static limit, does not trigger the threshold under Rule 7(1), which mandates a minimum exceedance of 10 dB(A) over the prescribed standard for any actionable complaint to lie. Therefore, the very foundation of the first Show Cause Notice stands vitiated by misapplication of legal standards, and no valid inference of non-compliance could have been drawn from such measurements. It is respectfully submitted that regulatory discretion, particularly when exercised punitively, must be founded upon objective deviation—not technicalities or borderline readings that fall within the permissible range when interpreted in conjunction with statutory thresholds.



G. That without adjudicating upon or responding to the Applicant's detailed and reasoned reply dated 29.05.2024 to the first Show Cause Notice, and without recording any finding as to non-compliance, the Respondents proceeded to conduct a second inspection on 05.09.2024—thereby re-opening a settled factual position without cause, and in disregard of procedural fairness. It is submitted that such an approach is against both natural justice and administrative propriety. The second inspection, notably conducted in the presence of representatives of Respondent No. 3, appears to

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have been prompted not by any fresh material or evidence, but rather at the behest of a private party with vested interests. Even so, the noise monitoring conducted during the second inspection revealed that the noise levels measured at the outer boundaries, including within the premises of Respondent No. 3, did not exceed the permissible ambient thresholds under Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000. Thus, the issuance of the second Show Cause Notice dated 05.11.2024, premised on the very same facts as the first, and without closure of earlier proceedings, constitutes an exercise in regulatory overreach and clear indication of mala fide intent on the part of the Respondent No. 1 and 2 and therefore makes the notice liable to be quashed.

H. Hence, it is clear that Respondent No. 3, having neither suffered any legally cognizable environmental harm nor demonstrated breach of statutory thresholds under the applicable rules, has no locus standi to initiate or pursue complaints under the Noise Pollution (Regulation and Control) Rules, 2000. Its grievance is fundamentally commercial in nature and dressed up as an environmental concern to misuse the regulatory machinery. That Respondents No. 1 and 2 have acted upon such complaints without first applying an independent mind to the inspection findings, and without concluding the proceedings initiated through the first Show



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J. That Respondent's submission that no final action has been taken yet does not insulate it from judicial scrutiny. It is well settled that even a show cause notice can be subject to judicial review where it is shown to be issued without jurisdiction, arbitrarily, or in breach of natural justice. The Hon'ble Supreme Court in *Siemens Ltd. v. State of Maharashtra*, (2006) 12 SCC 33, categorically held that if a show cause notice is issued with premeditation, it can itself constitute actionable legal injury. In the present case, the second Show Cause Notice dated 05.11.2024 is not only repetitive, but procedurally flawed and prejudicial in nature. The cumulative effect of repeated inspections, coercive notices, and omission to consider the Applicant's prior submissions causes continuous disruption and operational uncertainty, and abuse of power which is itself a matter warranting adjudication.

K. That in view of the facts, legal infirmities, and mala fide actions outlined hereinabove, the Applicant most respectfully submits that the prayers made in the Original Application deserve to be allowed in full, in the interest of justice, to prevent continued regulatory abuse and to protect the Applicant's right to fair, lawful, and uninterrupted industrial operation.



**PARAWISE REPLY TO THE PRELIMINARY SUBMISSIONS AND
OBJECTIONS:**

1. The contents of the opening part of the first paragraph, insofar as they refer to the filing of the present Original Application against the Show Cause Notice dated 05.11.2024, are a matter of record and hence require no reply. However, the Applicant strongly denies the Respondents' assertion that the Original Application is "premature" or "liable to be dismissed." It is submitted that the second Show Cause Notice dated 05.11.2024 was issued without disposing of or taking any decision on the Applicant's detailed reply dated 29.05.2024 to the first Show Cause Notice dated 16.05.2024, and without recording any fresh cause or legal justification for reopening the matter. This renders the second notice procedurally arbitrary and in violation of the settled principles of natural justice. The challenge to such irregular and prejudicial action is not premature but necessitated by the failure of the regulatory authority to act fairly and lawfully.



2. The contents of the para 2 are denied in toto. It is submitted that the present Original Application has been rightly filed under Section 14 of the National Green Tribunal Act, 2010, as the issues raised pertain to the violation of environmental norms and arbitrary regulatory action. The jurisdiction of this Hon'ble Tribunal is clearly

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attracted, and the Applicant is well within its rights to invoke the same. The objection regarding maintainability is misconceived, baseless, and liable to be rejected.

3. That the contents of Para 3, 4 and 5 are Matter of Record and hence require no reply.

4. That the Applicant does not dispute the fact that an inspection was conducted on 30.04.2024 and that it was informed to the officers that only 2 out of 5 drop hammers operate during each shift. The remaining contents of the para 6, especially the statements regarding vibrations/tremors being felt in the premises of Respondent No. 3 and the alleged visible cracks are vehemently denied as false, misleading, and devoid of evidentiary support.

Neither the inspection report dated 30.04.2024 nor the subsequent inspection report dated 05.09.2024 records any such observation.

These claims have conspicuously surfaced only in the Show Cause Notices, which raises serious questions as to their credibility. The insertion of these allegations without any basis in the contemporaneous inspection records makes it clear that they were added as an afterthought, not as factual findings but as a manufactured narrative intended to justify pre-decided regulatory action driven by external influence and mala fide intent. This not only undermines the integrity of the regulatory process but also exposes



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the collusion between Respondents 1 and 3, aimed at harassing the Applicant and disrupting its lawful operations.

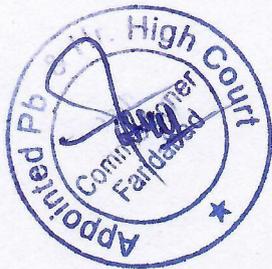
5. The Applicant does not dispute that a hearing took place on 02.07.2024 at the Head Office of HSPCB in compliance with the directions of this Hon'ble Tribunal. However, the narrative presented in the para 7 is selective and misleading. The Minutes of Meeting dated 02.07.2024 categorically record that the reason for directing reinspection was the absence of any officer from the Board who could justify the facts at site, not because of any deficiencies or inconsistencies in the Applicant's earlier submissions. This itself shows that the reinspection was not warranted by any material defect in the prior inspection, but was merely ordered in view of an administrative lapse on the part of the Board.



Furthermore, the reinspection was directed without first deciding the First Show Cause Notice dated 16.05.2024 or dealing with the Applicant's detailed reply dated 29.05.2024, which is a clear violation of natural justice and settled principles of fair procedure. Initiating a second round of proceedings without concluding the first, especially when no new facts had arisen in the interim, is bad in law, procedurally arbitrary, and reflective of mala fide administrative intent.

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6. That the contents of the para 8 are denied except to the extent that inspections were conducted on 03.09.2024 and 05.09.2024, and that the Applicant's representatives were present. It is reiterated that the Minutes of Meeting dated 02.07.2024 clearly reflect that the direction for reinspection arose solely due to the absence of any officer from the Pollution Control Board who could explain the facts on site, and not on account of any doubt regarding the accuracy or adequacy of the previous inspection. Therefore, the Respondents' attempt to retrospectively justify the reinspection on grounds of non-submission of records or further remedial action is nothing but an afterthought aimed at bolstering a predetermined regulatory course. The allegation that noise monitoring could not be done on 03.09.2024 due to "sudden heavy rainfall" is categorically denied. No such circumstance was communicated to the Applicant at the time, nor is there any record of such an event in the official communication. The veracity of this claim can be independently verified through data from the Indian Meteorological Department, which would show that no such rainfall occurred on the said date that could have rendered noise monitoring impracticable. It is further submitted that during the inspection conducted on 03.09.2024, the response by unit's representative was taken under pressure on a blank sheet, and the Applicant was compelled to sign



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without being provided any formal written request or explanation. When the officials returned on 05.09.2024 for the second inspection, they categorically stated that the information sought earlier was no longer required and that a formal letter clarifying the same would be issued under the signature of the Regional Officer. Despite this assurance, no such letter was ever provided to the Applicant. The Respondents' attempt to rely on a document procured without due process, and later disowned, further reflects their inconsistent and coercive conduct. The claim that the Applicant failed to submit information or an action plan is therefore baseless and contradicted by the Respondents' own conduct.



The Applicant has already implemented multiple noise mitigation measures and provided detailed responses supported by facts and inspection records, clearly demonstrating compliance with the applicable standards. The reference to "deficiencies" is vague, unsubstantiated, and arbitrary, and the issuance of the second Show Cause Notice—without addressing or disposing of the first—remains legally untenable and procedurally flawed.

7. That the Applicant submits that Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000 is a matter of law and its contents are duly acknowledged. However, the Applicant is unable to comprehend the intent or relevance of the last two lines of the

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para 9, particularly the reference to the absence of a noise monitoring report in O.A. No. 221/2024. It is submitted that this statement is vague, disconnected from the present proceedings, and does not advance the Respondents' defence in relation to the legality of the Show Cause Notices challenged herein.

8. That the Applicant submits that Rule 4 of the Noise Pollution (Regulation and Control) Rules, 2000 is a matter of law and its contents reproduced in para 10 are duly acknowledged.

9. The contents of the para 11 are vehemently denied. It is specifically denied that the second Show Cause Notice dated 05.11.2024 was "rightly issued." It is respectfully reiterated that the so-called justification based on the inspection dated 05.09.2024 is procedurally unsustainable and legally untenable, as the first Show Cause Notice dated 16.05.2024 had not been decided, nor had the Applicant's detailed reply dated 29.05.2024 been dealt with in accordance with law. Issuing a second notice without disposing of the first, and in the absence of any new or exceptional circumstances, reflects a serious procedural impropriety and violates the settled principles of natural justice.

The claim that the second Show Cause Notice was issued to allow the Applicant an opportunity to be heard is entirely hollow, since the very issuance of repetitive proceedings—on identical grounds and



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without closure of the earlier action—is in itself an act of harassment and regulatory excess. The assertion that the procedure adopted was in furtherance of natural justice is self-contradictory, when the actual sequence of events reveals that the Respondents disregarded material inspection findings, acted on unverified and extraneous inputs, and failed to apply independent regulatory judgment. The contention that the Original Application has been filed prematurely is also denied, as the Applicant was constrained to approach this Hon'ble Tribunal only when the second Show Cause Notice was issued without legal cause, in an arbitrary and harassing manner.



10. The contents of this para 12 are strongly objected to and denied to the extent they suggest any legitimate basis for the impleadment of M/s Humboldt Wedag India Pvt. Ltd. The Applicant submits that Humboldt has no locus standi to be impleaded in the present proceedings, as there is no direct or adjacent boundary shared between Humboldt and the Applicant's unit. The purported complaint by Humboldt is vague, collusive, and lacks any cogent foundation, clearly reflecting an alignment with Respondent No. 3 (Poly Medicure Ltd.) to exert commercial pressure on the Applicant through regulatory harassment. The impleadment plea is an afterthought motivated by business rivalry, not by any environmental

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concern, and has been filed without proper authorization or accompanying resolution by the said company. The Applicant, therefore, reiterates its categorical objection to the proposed impleadment and reserves its right to respond to the said application separately in law and on facts.

PARA WISE REPLY TO REPLY ON MERITS

1. That the contents of Para 1 and Para 2 needs no reply from the answering respondent.
2. The content of the Para 4 are denied and the present O.A. is maintainable before the Hon'ble Tribunal. The contents of preliminary objections and submissions are being reiterated.
3. That the contents of the para 5 (A) are denied. It is submitted that the issuance of the second Show Cause Notice dated 05.11.2024 is procedurally flawed, as it was issued without disposing of the Applicant's detailed reply to the first notice dated 29.05.2024, and without any new facts or violations justifying reinspection. The Minutes of the hearing dated 02.07.2024 clearly records that the reinspection was ordered merely due to the absence of Pollution Control Board officers, not because of any defect in the Applicant's compliance. Therefore issuance of a subsequent notice is neither supported by fresh cause nor



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proper reasoning, both of which are conspicuously absent here, making the second notice arbitrary and unsustainable in law.

4. The contents of the para 5 (B) are denied. It is submitted that the mere recording of certain facts in the Minutes of Proceedings dated 02.07.2024 does not dispense with the requirement of a reasoned and speaking order, especially when the first Show Cause Notice was neither withdrawn nor adjudicated upon. The failure to pass a formal order before initiating a second round of proceedings reflects a violation of the principles of natural justice and renders the subsequent action arbitrary and procedurally defective.
5. That the contents of the para 5 (c) are denied as false, baseless, and misconceived. It is submitted that the issuance of the second Show Cause Notice without disposing of the first, and in the absence of any fresh material or legal justification, is a clear violation of the principles of natural justice. The Respondents' failure to conclude the earlier proceedings and their initiation of repetitive action on identical grounds amounts to procedural arbitrariness and regulatory overreach, warranting interference by this Hon'ble Tribunal.
6. That the contents of the para 5 (d) are emphatically denied. It is submitted that the Applicant has placed on record both Show



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Cause Notices, which clearly demonstrate that they are premised on identical facts, inspection findings, and allegations, without any new or independent cause of action. Far from misleading the Hon'ble Tribunal, the Applicant has highlighted a serious procedural lapse wherein the second notice was issued without concluding the first, thereby causing harassment and violating due process.

7. The contents of the para 5 (E) are denied. The contents of preliminary objections and submissions are being reiterated.
8. That the contents of Para 6(i) to (viii), (xv) and (xvi) are noted as not requiring a reply from the Respondents, and hence need no further comment. In response to Para 6(ix), the Applicant denies that any noise parameter exceeded the prescribed ambient air quality standards during operation; the inspection reports relied upon by the Respondents themselves do not reflect exceedance of the threshold mandated under Rule 7(1) of the Noise Pollution (Regulation and Control) Rules, 2000. The allegation that the Applicant has attempted to mislead this Hon'ble Tribunal is strongly denied. The reference to permissible noise exposure under the Model Rules of the Factories Act, 1948 was made solely to demonstrate that even within the work zone, the Applicant was operating within legally permissible standards.



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The contention that such norms do not apply to adjoining units is misconceived, as the relevant inspection data from Respondent No. 3's premises shows no violation of the ambient limits either. With respect to Para 6(xii), the Applicant does not dispute that a joint personal hearing was held in compliance with the Hon'ble Tribunal's directions. In reply to Para 6(xiii) and (xiv), it is reiterated that the re-inspection was prompted solely due to the absence of the Pollution Control Board officer at the earlier hearing, as recorded in the official minutes, and not because of any deficiency in the Applicant's submissions. The Applicant's representative had agreed to the reinspection only under protest and without prejudice to its legal rights. The reference in Para 6(xvii) to the order dated 05.03.2024 and the hearing dated 02.07.2024 does not cure the procedural defect of issuing a second Show Cause Notice without concluding the first. The contents of sub-para 6(xviii) to (xxii) are denied. The Applicant submits that the issues raised therein have already been addressed in detail in the Original Application and the present Rejoinder.

9. The content of the Para 7 are denied and the contents of preliminary objections and submissions are being reiterated.

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10. The content of the Para 8 are denied and the contents of preliminary objections and submissions are being reiterated.
11. That the contents of Para 9 are noted as not requiring a reply from the Respondents, and hence need no further comment.

REPLY TO GROUNDS:

The reply filed by the Respondents reflects a glaring lack of due diligence and legal precision, thereby displaying a callous disregard for the gravity of the matter at hand. The content of the reply is vague, evasive, and does not sufficiently address the substantive Grounds raised in the Original Application (O.A.).

As detailed in the grounds section of the O.A., answering respondent has meticulously referenced relevant statutes and judicial precedents to substantiate our claims. The failure of the Respondents to adequately engage with these legal provisions and case laws reveals an alarming level of negligence, which cannot be overlooked.

Such conduct, especially when it pertains to the drafting of legal responses in a matter of such importance, is not only unprofessional but also undermines the integrity of the legal process. It is submitted that the Hon'ble Court must take strong note of this deficiency and

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take appropriate action against the concerned officers, particularly the individual responsible for drafting this reply. Their failure to engage with the matter in a competent and responsible manner calls for scrutiny and accountability. Hence, answering respondent respectfully urge this Hon'ble Court to consider this aspect and ensure that the dignity of the proceedings is upheld by holding the concerned officers accountable for their actions.

In view of the aforementioned facts, discrepancies, and procedural lapses, the Applicant respectfully submits that this Hon'ble Tribunal may be pleased to take the present rejoinder on record and grant the prayer(s) sought in the accompanying Original Application.



[Signature]
Deponent

Verification

Verified on May, 2025 that the facts and circumstances as mentioned above are true and correct to the best of my knowledge and nothing material has been concealed herein.

[Signature]
Deponent

Adv Certified that the above was deposed on Oath / Affirmation before me on the day of 2025 by *Navneet Singh* who has been identified by *K.P. Singh* who is personally known to me the contents of the above were explained to the deponent
[Signature]
Adv. Thakur Dass
Oath Commissioner, Faridabad