

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

VERSUS

HARYANA STATE POLLUTION CONTROL BOARD
AND OTHERS

...RESPONDENTS

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REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT IN

RESPONSE TO THE REPLY FILED BY RESPONDENT NO. 3

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.

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2. That the present rejoinder is being filed on behalf of Applicant, in response to the Reply filed by Respondent No. 03 to the present Original Application.
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 Application 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 3, 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.



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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 (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.

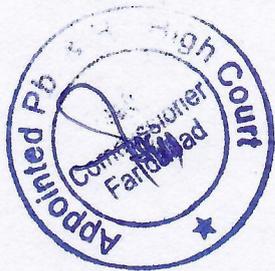
B. That for the proper adjudication of the present lis applicant would like to Highlight 'Rule 7 of the Noise Pollution (Regulation and Control) Rules, 2000. For the sake of the convenience of this Hon'ble court it is reproduced herein below:

"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."

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C. That the applicant would also like to highlight Rule 8 as well as the Schedule attached to the Noise Pollution (Regulation and Control) Rules, 2000. For the sake of the convenience of this Hon'ble court it is reproduced herein below:

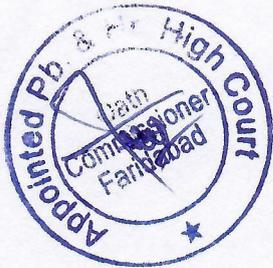
8. Power to prohibit etc. continuance of music sound or noise.

(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



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[(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.

(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

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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.*

**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.

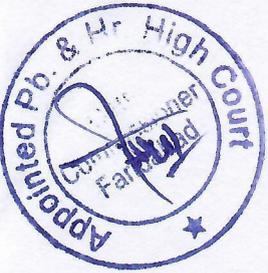
Leq : It is an energy mean of the noise level, over a specified period.

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

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towards the common side with Respondent No. 3 (Poly Medicure Ltd.)—were well within the prescribed ambient limits of 75 dB(A) applicable to industrial areas during daytime under the Schedule to 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

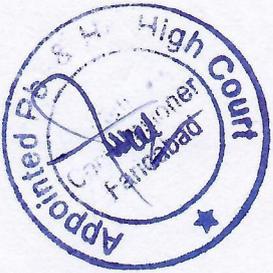
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submitted that such an approach is against both natural justice and administrative propriety. The second inspection, notably conducted in the presence of representatives of Respondent No. 3, appears to have been prompted not by any fresh material or 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

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- I. The Applicant respectfully submits that Respondent No. 3 has a long-standing history of interference and disruption, which began shortly after it established its unit in 2018-19. As already placed on record, in December 2021, the Joint Managing Director of Respondent No. 3 sought to coerce the Applicant into selling its operational premises under threat of political pressure and regulatory harassment. The present litigation and previous complaints are a continuation of that coercive strategy.
- J. That the allegations made by Respondent No. 3 regarding noise pollution, vibrations, and structural cracks are wholly unsubstantiated and lack any independent expert analysis. The structural issues allegedly faced by Respondent No. 3 are not corroborated by any certified civil or structural audit and are more likely attributable to deficiencies in their own construction—such as poor materials, faulty design,—rather than the Applicant's forging operations which are located in a designated industrial zone and functioning since 2016.
- K. That the assertion by Respondent No. 3 that the Applicant is in violation of noise standards is a distortion of facts and law. The noise generated inside the Applicant's unit, is well within the permissible occupational exposure limits defined under the ^{law.} There is no evidence on record that noise levels at the boundary wall or within



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Respondent No. 3's premises exceeded the ambient noise standards by 10 dB(A) or more, as required under Rule 7(1) of the Noise Pollution (Regulation and Control) Rules, 2000.

- L. It is further respectfully submitted that the actions of Respondent No. 3 are not driven by any genuine environmental concern but are instead rooted in commercial rivalry, territorial expansion, and a sustained attempt to dislodge the Applicant from its lawful premises. As detailed in the Original Application and supported by material on record, Respondent No. 3—through its senior management—has exerted repeated and undue influence, including overt references to political connections and threats of regulatory harassment, to compel the Applicant to vacate or sell its industrial unit. The repeated complaints, strategic re-inspections, and escalation of regulatory processes—despite no proven violation—are not isolated administrative acts but form part of a larger pattern of mala fide conduct. It is settled law that when regulatory processes are set in motion to serve extraneous business purposes or to settle commercial scores, such proceedings are liable to be quashed as an abuse of process. The present case is a textbook example of such misuse, warranting the protection of this Hon'ble Tribunal. This Hon'ble Tribunal may kindly take judicial notice of the fact that



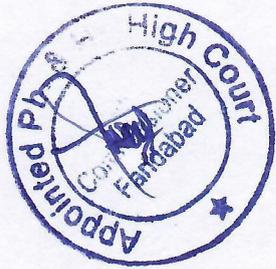
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environmental laws cannot be misused as a tool to settle commercial rivalries or to achieve unlawful expansion goals.

M. That it is respectfully submitted that the Applicant has always acted in good faith, is operating under valid statutory consents, and has even undertaken additional noise reduction measures beyond statutory requirements, purely to avoid conflict. The allegations of continued nuisance are entirely false, and the Reply of Respondent No. 3 ought to be seen as an extension of its campaign of harassment through misuse of the regulatory process.

N. That Respondent No. 3 had earlier filed O.A. No. 221/2024 before this very Hon'ble Tribunal on the same issue, which was disposed of by order dated 05.03.2024, directing the HSPCB to take remedial steps after ascertaining the factual position. It is pertinent to note that the disposal of that OA did not establish any violation on the part of the Applicant and did not endorse any of the allegations made by Respondent No. 3. The attempt to continue pressing the same allegations indirectly shows that Respondent No. 3 is misusing the process of law.

O. That Respondent No. 3 has made no effort to first resolve the matter through lawful coordination. Instead, it has consistently resorted to hostile tactics, complaints, and attempts to weaponize regulatory



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agencies. This conduct reflects abuse of the environmental complaint process for collateral business motives.

P. That the proximity of the Applicant's unit to that of Respondent No. 3 cannot be a ground for claiming environmental nuisance when both are located in an industrial estate zoned for manufacturing,. Respondent No. 3 came into occupation after the Applicant's establishment, with full knowledge of its operations. It is a well-settled principle that one who knowingly comes to a place of risk cannot later complain of inconvenience (*volenti non fit injuria*).

Q. That no contemporaneous medical, occupational, or structural damage reports have been filed by Respondent No. 3 in support of their claims. There are no records of worker complaints, health reports, or independent studies demonstrating that the Applicant's forging operations have resulted in any quantifiable harm to Respondent No. 3's premises or employees. In the absence of such material, bald assertions of nuisance or damage are self-serving and deserve no credence.

R. 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



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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 Para A are emphatically denied. It is respectfully submitted that this Hon'ble Tribunal has clear and undisputed jurisdiction under Section 14 of the National Green Tribunal Act, 2010, as the subject matter of the present dispute pertains directly to alleged violations of environmental norms, specifically the Noise Pollution (Regulation and Control) Rules, 2000, which are framed under the Environment (Protection) Act, 1986—a Schedule I enactment under the NGT Act. The violation alleged by Respondent No. 3 is purportedly under Rule 7, which stipulates that a complaint lies only when noise levels exceed ambient standards by 10 dB(A) or more. These are environmental parameters squarely within the jurisdiction of this Hon'ble Tribunal. The maintainability of the present Original Application has also been implicitly acknowledged and accepted by the Tribunal, as evident from its Order dated 05.03.2024 passed in O.A. No. 221/2024, wherein the Tribunal directed HSPCB to examine the matter. Therefore, the objection



raised by Respondent No. 3 is misconceived, legally untenable, and contrary to settled statutory interpretation.

2. That the contents of Para A(a) and A(b) are matter of law and therefore are duly acknowledged.
3. That the averment in para A(c) that the present application is premature is unequivocally denied. It is submitted that while Rule 8(2) of the Noise Pollution (Regulation and Control) Rules, 2000 mandates the issuance of a reasoned order following a Show Cause Notice, the Respondents 1 and 2 have, in complete disregard of this obligation, neither disposed of the first Show Cause Notice dated 16.05.2024 nor passed any speaking order dealing with the Applicant's detailed reply dated 29.05.2024. Instead, they have proceeded to initiate fresh proceedings by issuing a second Show Cause Notice dated 05.11.2024 on identical grounds, without closing the earlier proceedings or pointing to any fresh material that would justify reopening the matter.



This approach is not only procedurally flawed but also legally impermissible, amounting to an abuse of regulatory power. The issuance of successive notices without a determination on the first undermines the principle of finality, and the failure to provide a reasoned order under Rule 8(2) before initiating further action vitiates the entire process. Hence, far from being premature, the

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present application was necessitated by the arbitrary, non-speaking, and mala fide exercise of authority, and squarely falls within the jurisdiction of this Hon'ble Tribunal.

4. The Applicant categorically denies the assertion in para A(d) that the principles of natural justice were duly followed. It is submitted that while a hearing was scheduled on 02.07.2024, the proceedings themselves record that no officer of the Pollution Control Board was present at the time to explain or justify the facts at site, rendering the so-called hearing procedurally hollow and substantively ineffective. A hearing, in order to satisfy the mandate of natural justice, must be meaningful, informed, and before a competent decision-making authority. In this case, no decision-making authority engaged with the Applicant's reply to the first Show Cause Notice dated 16.05.2024, nor was any reasoned order passed thereafter. Instead, the Board directed a reinspection merely because their own officers were absent—a ground that cannot cure the procedural lapse or justify issuance of a second Show Cause Notice on the same cause of action.

Furthermore, it is denied that repeated testing by the authority is unrestricted. While the authority may have powers to inspect, such powers must be exercised in accordance with law and not arbitrarily or to harass an entity. In the present case, the issuance of a second



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Show Cause Notice without resolving the first one, and without recording any fresh cause or violation, is a clear abuse of discretion and demonstrates a lack of application of mind. The invocation of environmental protection duties cannot be used as a shield to cover procedural impropriety or regulatory overreach.

5. The contents of this para A(e) are denied as being legally misconceived and factually inapplicable. It is submitted that the reliance placed on the judgment in Dr. Arvind Gupta v. UOI & Ors. is entirely misplaced, as the facts and legal issues in that matter were materially different from those in the present case.

The present case arises from specific and repeated regulatory actions under the Noise Pollution (Regulation and Control) Rules, 2000, issued under the Environment (Protection) Act, 1986, which is a Schedule I enactment under the NGT Act. The Applicant is challenging the arbitrary, successive issuance of Show Cause Notices by the regulatory authority without addressing the reply to the first notice or providing a reasoned order as required by Rule 8(2). The proceedings of the Pollution Control Board are being used to subvert lawful industrial operations under the guise of environmental enforcement, which falls squarely within the jurisdiction of this Hon'ble Tribunal under Section 14 of the NGT Act.



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It is also pertinent to note that this Hon'ble Tribunal has already entertained and passed directions in O.A. No. 221/2024—the precursor to the present proceedings—thus implicitly recognising that the subject matter falls within its jurisdiction. Therefore, the objection raised by Respondent No. 3 is legally untenable and liable to be rejected.

6. The contents of the para A(f) are denied in toto. The contention that the present Original Application constitutes a "leapfrog" bypassing appellate remedies is wholly misconceived and legally unsustainable. It is submitted that the Hon'ble National Green Tribunal (NGT) exercises distinct jurisdiction under Section 14 and Section 16 of the NGT Act, 2010. The present matter is filed as an Original Application under Section 14, which empowers this Hon'ble Tribunal to adjudicate upon substantial questions relating to the environment, including the enforcement of any legal right relating to the environment, and to provide relief and compensation in that regard.

The original jurisdiction under Section 14 is broader and independent of the appellate framework under Section 16, which applies only to specified orders passed under the Environment (Protection) Act and related statutes. The present case arises not from a final order, but from a continuing abuse of regulatory process,



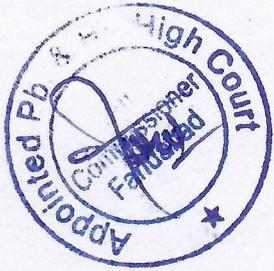
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namely the issuance of repeated show cause notices without conclusion or reasoning, which has caused direct environmental and legal prejudice to the Applicant.

Moreover, even the Hon'ble Supreme Court has acknowledged that the Hon'ble NGT's jurisdiction under Section 14 is expansive in scope and does not require the Applicant to await a final adjudication or exhaust remedies where the grievance pertains to continuing environmental injury or procedural impropriety. The fact that this Hon'ble Tribunal regularly takes suo motu cognizance even of newspaper reports further demonstrates the wide and proactive environmental jurisdiction vested in it. Therefore, the suggestion that the Hon'ble NGT lacks jurisdiction on the ground that it is not a second appellate forum is factually irrelevant and legally flawed.

7. The Applicant categorically denies the assertion made in Para B that a show cause notice cannot be challenged on the ground of violation of principles of natural justice. It is respectfully submitted that while ordinarily a show cause notice may not be interfered with at the threshold, when such notice is issued in a procedurally arbitrary, repetitive, and mala fide manner—without deciding the earlier show cause notice or providing a reasoned order as mandated under Rule 8(2) of the Noise Pollution (Regulation and Control) Rules, 2000—such action is not only bad in law but also amenable to judicial

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review. The issuance of the second show cause notice without first disposing of the first one amounts to a clear violation of due process and reflects procedural unfairness, warranting the intervention of this Hon'ble Tribunal.

8. That the contents of paras B (a) and (b) are categorically denied.

The Applicant submits that the assertions made by the Respondent No. 3 are misleading and factually inaccurate. It is specifically denied that the noise levels recorded during the inspection conducted by Respondent No. 1 on 30.04.2024 exceeded the permissible ambient standards under the Noise Pollution (Regulation and Control) Rules, 2000. The inspection report itself—placed on record—shows that the noise levels, were well within the legally permissible limits, and did not exceed the threshold of 10 dB(A) beyond ambient standards as required under Rule 7 for initiating any enforcement action.

It is further denied that any finding in the inspection report justifies the issuance of the First Show Cause Notice. On the contrary, the issuance appears to have been triggered not by objective regulatory assessment but by external pressure and unilateral complaints made by Respondent No. 3—a party with a vested interest in displacing the Applicant from its premises. Thus, the issuance of the First Show Cause Notice itself was without legal foundation and did



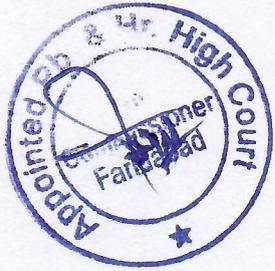
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not satisfy the threshold conditions of Rule 7, much less warrant a second notice without adjudicating the first.

9. The contents of para B (c) are vehemently denied as being vague, unsubstantiated, and speculative. The Respondent No. 3 has failed to place on record any credible or scientific evidence to support its sweeping claims of alleged health issues or structural harm due to the Applicant's operations. The Applicant submits that Respondent No. 3 is a medical device manufacturing unit, and it is widely understood that such facilities maintain airtight, climate-controlled production environments, often requiring sealed chambers or rooms to ensure sterility. The possibility that their own ventilation or oxygen supply systems are inadequate, or that workers are made to work in closed environments for prolonged durations without adequate air exchange, cannot be ruled out as a cause of discomfort such as nausea or suffocation among their workers. Therefore, the Applicant denies all insinuations regarding any impact on health or environment as made in this paragraph

Furthermore, it is denied that the Applicant was given a fair and reasonable opportunity to be heard. The issuance of the second Show Cause Notice without any adjudication or reasoned disposal of the first notice dated 16.05.2024 amounts procedural arbitrariness. The Applicant was also never provided with a

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reasoned decision on its detailed reply dated 29.05.2024, and the so-called hearing on 02.07.2024 was a procedural formality without any adjudicatory participation from HSPCB officials, as recorded in the very minutes of the meeting. Thus, the claim that adequate opportunity was afforded to the Applicant is incorrect, illusory, and intended to conceal regulatory irregularities.

10. The Applicant denies the unfounded allegation that it is misleading this Hon'ble Tribunal or has failed to comply with the directions of the first Show Cause Notice. The Applicant duly submitted a detailed reply dated 29.05.2024, supported by inspection findings dated 30.04.2024, which confirmed that noise levels were within permissible limits. However, Respondent No. 1 failed to adjudicate or issue a reasoned order on the said reply. Instead, a second Show Cause Notice dated 05.11.2024 was arbitrarily issued without any fresh cause or statutory justification. In this context, the Applicant's invocation of the principles of natural justice is valid and warranted, as the regulatory conduct reflects procedural impropriety and unfairness—not non-compliance on the part of the Applicant.

11. The Applicant denies the allegations made in the para C(a) as misleading and factually incorrect. It is submitted that the so-called "hearing" on 02.07.2024 before the Member Secretary of HSPCB



was procedurally defective, as no official of the Board who had conducted the initial inspection was present to justify or explain the findings. This very absence was recorded in the Minutes of Meeting dated 02.07.2024, and it was solely on this ground—not due to any deficiency in the Applicant's response—that the decision for reinspection was taken. The Applicant was never informed that such reinspection would be used to initiate a fresh proceeding or issue a second Show Cause Notice without first deciding the first one. The Applicant's silence during this interim period cannot be construed as consent, particularly when there was no procedural closure to the first notice. The issuance of a second Show Cause Notice dated 05.11.2024 without adjudicating the first, and without disclosing any new violations of law, amounts to regulatory overreach and reflects arbitrary exercise of power, which is impermissible under settled legal principles.

REPLY TO REPLY ON MERITS

1. The content of Para 1 are denied and the content in the Original Application are reiterated.
2. That the contents of Para 2 needs no reply from the answering respondent.

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3. The content of the Para 3 are denied and the present O.A. is maintainable before the Hon'ble Tribunal. The contents of preliminary objections and submissions are being reiterated.
4. That the Applicant categorically denies the averment that no substantial question relating to the environment is raised in the present Original Application. The core grievance pertains to the arbitrary and repeated issuance of Show Cause Notices under the Noise Pollution (Regulation and Control) Rules, 2000—framed under the Environment (Protection) Act, 1986—which directly concerns environmental standards and regulatory compliance. The contention that the application is premature or jurisdictionally barred is entirely misconceived and stands negated by the fact that the Hon'ble Tribunal has already taken cognizance and passed orders in this very matter, thereby affirming the maintainability and jurisdiction of this Hon'ble Tribunal.
5. That the contents of Para 5(A) needs no reply from the answering respondent.
6. The content of the Para 5(B) are denied and the contents of preliminary objections and submissions are being reiterated.
7. That the Applicant is unable to comprehend the precise intent, scope, or legal relevance of the assertions made in Para 5(C) of the Reply. It is submitted that the statements are vague, unsupported, and appear

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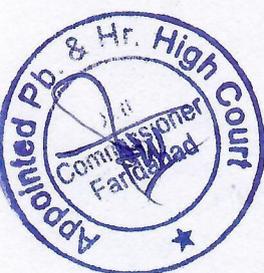
to be made in a casual and speculative manner with mala fide intention to only mislead this Hon'ble Court, as reference made to reports allegedly annexed as Annexures R-1 and R-2, have not been found annexed or placed on record along with the Reply filed by Respondent No. 3. Such a lapse reflects a callous and careless approach, and renders the averments in this paragraph devoid of any evidentiary value. In the absence of the very material relied upon, the assertions stand unsubstantiated and merit no consideration.

8. That the contents of Para 5(D) are denied in toto. While the fact of the complaint dated 16.10.2023 is not disputed, the allegation that the Applicant has suppressed complaints from other industries is baseless and incorrect. The Applicant has consistently placed all relevant facts on record with transparency. Moreover, once again, the Respondent has referred to Annexure R-3 but no such document has been annexed to the reply. The absence of the very document relied upon renders the allegation unsubstantiated and speculative. Such casual references, without actual evidence, further undermine the credibility of the Respondent's claims. This reflects their malafide intentions and their callous and careless approach to mislead this Hon'ble Court.
9. That the contents of Para 5 (E) needs no reply from the answering respondent.



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10. That the content of the Para 5(F) are denied and the contents of preliminary objections and submissions are being reiterated.
11. That the contents of Para 5(G) are denied. It is incorrect and misleading to suggest that the same workers are exposed to high decibel levels continuously for 24x7. The Applicant's unit operates in shifts, and workers are not stationed continuously in the hammer section. Appropriate rotation and occupational safety protocols are followed to ensure that no individual is exposed to noise levels beyond the permissible limits prescribed under the Model Rules of the Factories Act, 1948. The reliance placed by Respondent No. 3 on peak noise readings, without reference to duration of exposure or shift schedules, reflects a misconceived understanding of industrial safety norms and an attempt to sensationalize compliance data.
12. That the contents of the para 5(H) are admitted only to the extent that a personal hearing was held on 02.07.2024, wherein the Applicant's representative reiterated the reply dated 29.05.2024. However, the inference drawn by Respondent No. 3 that no steps were taken to mitigate noise and vibration is baseless and contrary to the inspection records, which reveal no material deviation between the two readings and do not reflect any breach of the threshold under Rule 7(1) of the Noise Pollution Rules. The direction for reinspection was solely due to the absence of the Regional Officer and not on account



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of any deficiency in the Applicant's submissions. Moreover, while the power to inspect may be vested under Rule 4(2) and Rule 8, such power must be exercised fairly and not as a tool for repeated, purposeless inspections in the absence of any fresh cause. The allegation that the Applicant has failed to show arbitrariness is misconceived when the second Show Cause Notice itself was issued without closure of the first, rendering the entire process legally untenable.

13. That the contents of Para 5 (I) needs no reply from the answering respondent.



14. That the contents of Para 5 (J) are denied. It is submitted that the Applicant has not concealed any facts and has consistently placed on record all relevant documents and proceedings. The claim that the second Show Cause Notice is a "continuation" of the first is legally flawed, as the first notice was never adjudicated upon, nor was any order passed disposing of the Applicant's detailed reply. Issuing a second notice on identical grounds without closure of the earlier proceedings is not a lawful continuation but a clear procedural impropriety. While environmental monitoring may involve multiple data points, repeated inspections without fresh cause or statutory justification—especially when prior readings did not cross the

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actionable threshold under Rule 7(1)—do not amount to scientific diligence but to harassment under the guise of compliance.

15. That the contents of Para 5 (K) are denied. It is submitted that the test reports dated 30.04.2024 and 05.09.2024 do not reflect any exceedance of noise levels beyond the threshold of 10 dB(A) above the ambient standards prescribed under Rule 7(1) of the Noise Pollution Rules, and definitely not within the premises of Respondent No. 3. The allegation of “vibration pollution” is vague, unscientific, and unsupported by any objective data. No such findings of tremors or structural impact were recorded in the inspection reports themselves. The reference to vibrations in the Show Cause Notice appears for the first time without any contemporaneous evidentiary basis and is clearly an afterthought introduced to bolster a predetermined narrative. The reliance on such unsupported observations cannot form the basis for coercive regulatory action.



16. That the content of the Para 5(L) are denied and the contents of preliminary objections and submissions are being reiterated.
17. That the contents of Para 5(M) are denied. The vague reference to alleged grievances of other neighboring units, such as M/s Humboldt Wedag and M/s Omega Bright, is unsubstantiated and appears to be a strategic afterthought. The allegation that the Applicant has refused to implement noise or vibration mitigation measures is false; on the

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contrary, the Applicant has undertaken several remedial steps and continues to comply with applicable environmental norms. The sweeping and unverified claim of "grave damage" to Respondent No. 3's factory and adverse health impacts on its workers is denied as baseless. The Applicant submits that Respondent No. 3 is engaged in manufacturing medical devices, an industry that typically involves climate-controlled, sealed production environments to maintain sterility. It is entirely plausible that inadequate ventilation or prolonged confinement in such closed conditions could be the real cause of discomfort such as nausea or suffocation among their workers. The Applicant, therefore, categorically denies any environmental or health impact attributable to its operations.



18. That the content of the Para 6, 7 and 8 are denied and the contents of preliminary objections and submissions are being reiterated.
19. That the content of Para 9 are denied and the Grounds as mentioned in present OA are being reiterated. The contents of Para 9 (A) are denied and it is respectfully submitted that the second Show Cause Notice cannot be treated as a continuation or merger of the first, as the first notice was never adjudicated upon, nor was the Applicant's detailed reply dated 29.05.2024 ever disposed of by way of a reasoned order. Issuing a second notice on identical grounds without concluding the first proceeding is procedurally arbitrary and contrary to the

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principles of natural justice. The attempt to read both inspection reports "in tandem" does not cure the legal defect of issuing repetitive notices without closure, and instead reflects a non-application of mind and regulatory overreach.

20. The contents of the para 9 (B) are denied. It is submitted that the inspection reports do not record any exceedance of noise levels beyond the threshold of 10 dB(A) above the prescribed ambient standards in the adjoining premises, as required under Rule 7(1) of the Noise Pollution Rules. Furthermore, the allegation of "continuous vibrations" was never a part of either the first or second inspection report and has been introduced for the first time in the Show Cause Notice without any scientific measurement, methodology, or evidentiary support. Such unverified and post facto assertions, unsupported by the inspection findings, cannot be relied upon to justify punitive regulatory action.

21. That the contents of the corresponding para 9 (c) are denied. It is submitted that the proceedings before Respondent No. 1 have not culminated in any final or reasoned order, and merely holding a personal hearing does not satisfy the requirement of due adjudication. while the Applicant was represented during the personal hearing, no member or officer of the Pollution Control Board was present to

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consider or respond to the submissions made. This absence rendered the hearing ineffective.

22. That the contents of the para 9(D) are denied. It is submitted that the issuance of the second Show Cause Notice, without adjudicating the Applicant's detailed reply to the first notice and without passing any reasoned order post personal hearing, is procedurally flawed. There is no justification for a fresh notice on the same cause of action when no fresh violation was recorded, and the original inspection findings were never rebutted. The underlying cause remaining the same only reinforces the Applicant's contention that the second notice is repetitive, arbitrary, and violative of principles of natural justice.

23. That the content of the Para 9 (F), 9(G) and 9 (H) are denied and the contents of preliminary objections and submissions are being reiterated.

24. That the contents of the para 9(I) are denied. The Respondent's repeated references to material not forming part of their reply reveal a deliberate attempt to mislead this Hon'ble Tribunal and bolster their case through unsupported claims. Such conduct clearly reflects mala fide intent and a misuse of process aimed at prejudicing the Applicant without any evidentiary basis.

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25. That the content of the Para 9 (J) and 9 (K) are denied and the contents of the Original Application and the preliminary objections and submissions are being reiterated.

26. That the contents of the para 9 (L) are denied. It is submitted that while a personal hearing was granted to the Applicant on 02.07.2024, as admitted, the same was rendered procedurally ineffective due to the absence of any officer or representative from the Pollution Control Board (as recorded in the Minutes of the Meeting) who could consider or respond to the Applicant's submissions. Mere conduct of a hearing, without proper representation from the regulatory authority and without passing a reasoned order thereafter, does not amount to due compliance with the principles of natural justice.

27. That the content of the Para 9 (M), 9 (N), 9 (O) and 9 (P) are denied and the contents of the Original Application and the preliminary objections and submissions are being reiterated.

28. That the content of the Para 10 and 11 are denied and the contents of the Original Application and the preliminary objections and submissions are being reiterated.

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)

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sought in the Original Application (O.A.). The Applicant further prays for such other orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.

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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.

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Deponent



Certified that the above was deposed on Oath / Affirmation before me on the 14 day of 5-20-25 by Hardeep Singh who has been certified by P.D. Sharma who is personally known to me the contents of the above were explained to the deponent
Adv. Hardeep Singh
Adv. Thakur Dass
Jath Commissioner, Faridabad