

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 148 OF 2025**

IN THE MATTER OF:

Rohit Singh

.....Applicant

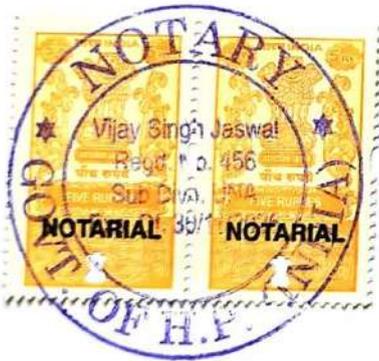
Versus

State of Himachal Pradesh and Ors.

...Respondent

INDEX

Sr. No.	Particulars	Page No.
1.	Rejoinder on behalf of the Applicant to the reply filed by the Respondent No. 4 along with an affidavit	636 - 644



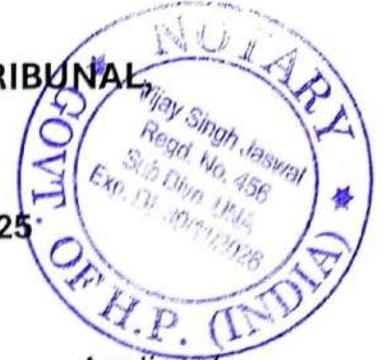
Saurabh Ahluwalia
Petitioner
Through Counsel
Saurabh Ahluwalia
Advocate

Dated: 27.11.2025
New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 148 OF 2025



IN THE MATTER OF:

Rohit Singh

.....Applicant

Versus

State of Himachal Pradesh and Ors.

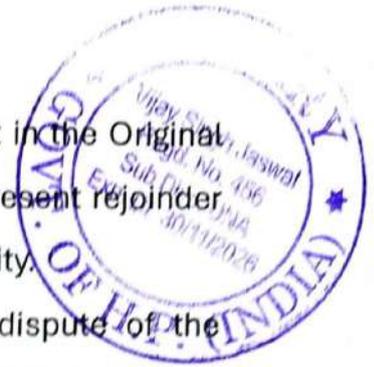
...Respondent

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT IN
RESPONSE TO REPLY FILED BY RESPONDENT 4**

MOST RESPECTFULLY SHOWETH:

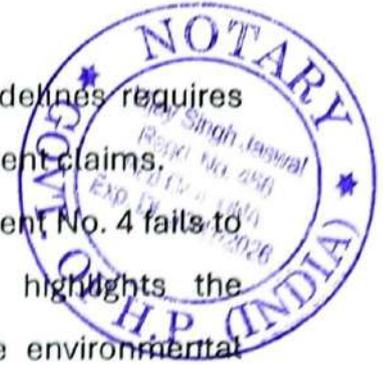
1. I, Rohit Singh, son of Sh. K.P. Singh, aged about 40 years, resident of 96, Basant Vihar, Near Rakkar Colony, District Una, Himachal Pradesh – 174303, do hereby solemnly affirm and declare as follows.
2. That I am the Applicant in the present Original Application and am thoroughly conversant with the facts and circumstances of the case.
3. That the present rejoinder is being filed in response to the reply filed by Respondent No. 4, Himachal Pradesh State Pollution Control Board (HPSPCB), to the Original Application.
4. That at the very outset, the Applicant categorically denies each and every averment made in the reply of Respondent No. 4, except those that are matters of record and/or are 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.

5. That all detailed submissions made by the Applicant in the Original Application may be read as part and parcel of the present rejoinder and are not being reiterated herein for the sake of brevity.
6. That the Applicant submits this rejoinder in firm dispute of the contentions raised by Respondent No. 4. It is respectfully submitted that the reply is marked by over-reliance on the project proponent's submissions, absence of independent verification, and repeated disclaimers of responsibility on core environmental issues. Respondent No. 4 has failed to address critical concerns such as groundwater stress, hazardous waste appraisal, and public health infrastructure, and has deflected key objections as "not pertaining to the Board."
7. That the reply filed by Respondent No. 4 does not contain any substantive assessment of the Draft EIA Report, nor does it demonstrate any scrutiny of the pollution control measures beyond reproducing the project proponent's claims. The Board has not provided any inspection reports, baseline validation, or independent analysis of the proposed CETP, TSDF, or air pollution control systems. The reply also fails to acknowledge the scale of hazardous waste (700–800 TPD) and the absence of a TSDF-specific clearance or monitoring framework.
8. That the Board's reply to objections on forest impact, Schedule I species, and health infrastructure is limited to stating "no reply needed," which amounts to regulatory abdication in the context of a Category A industrial estate with cumulative ecological and public health implications. The Board's role as a statutory regulator under the



Environment (Protection) Act, 1986, and CPCB guidelines requires active oversight—not passive reproduction of proponent claims.

9. That the Applicant submits that the reply of Respondent No. 4 fails to discharge its statutory obligations and instead highlights the procedural gaps and lack of due diligence in the environmental appraisal process. The rejoinder is filed to place on record the deficiencies in the Board's reply and to seek appropriate directions from this Hon'ble Tribunal.



PRELIMINARY SUBMISSIONS AND OBJECTIONS:

1. Regulatory Role and Accountability

The HP State Pollution Control Board (Respondent No. 4) is a statutory authority entrusted with independent environmental oversight, including verification of pollution control measures, scrutiny of EIA data, and enforcement of compliance under the Environment (Protection) Act, 1986 and CPCB guidelines. The Board's reply, however, reflects a passive reproduction of the project proponent's claims, without any independent audit, technical validation, or field inspection.

2. Over-Reliance on Project Proponent Submissions

The reply filed by Respondent No. 4 merely reproduces the pollution control claims made by the project proponent in the Draft EIA Report. It does not contain any independent verification, inspection records, baseline monitoring data, or third-party audit of the proposed CETP, TSDf, incinerators, or air pollution control devices. The Board has not demonstrated any technical scrutiny or field validation of the infrastructure it endorses.

3. Failure to Scrutinize Pollution Control Infrastructure

While the Board lists proposed measures such as a 5 MLD CETP, 3 MLD STP, 4 incinerators, 6 boilers, and a TSDF for 700–800 TPD of hazardous waste, it does not provide:

- Any OCEMS/CEMS monitoring framework
- Any audit protocol or enforcement roadmap
- Any confirmation of design feasibility or vendor prequalification
- Any inspection or sampling data to validate claims

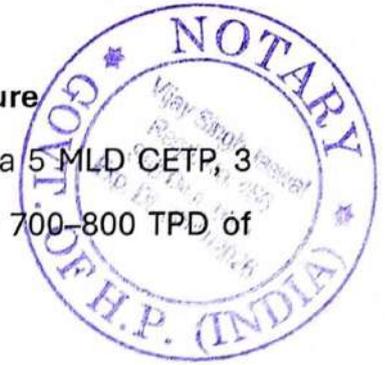
This absence of scrutiny undermines the Board's statutory duty to ensure enforceable and scientifically sound pollution safeguards.

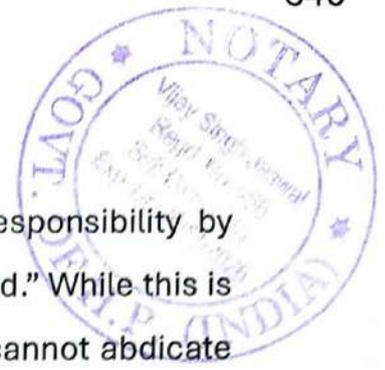
4. Public Hearing Conducted Without Cross-Border Inclusion

Respondent No. 4 conducted the public hearing on 20.11.2024 at Village Polianbeet, Tehsil Haroli, Himachal Pradesh. However, it did not include affected villages in Tehsil Garhshankar, District Hoshiarpur, Punjab, located within 100 meters of the project boundary. While the Board is not responsible for inter-state coordination, it was obligated to flag this exclusion and recommend corrective action to MoEFCC. Its silence on this procedural defect undermines the participatory mandate of the EIA Notification.

5. Deferral of TSDF Appraisal and Absence of Separate Clearance

The Board acknowledges that a separate TSDF proposal "shall be submitted," yet it forwards the EC without insisting on prior appraisal of this critical component. The TSDF involves incinerators and secured landfills for high-volume hazardous waste and falls under Schedule 7(d) of the EIA Notification. The Board's failure to demand a separate public hearing, design documents, or emissions modelling for the TSDF reflects procedural laxity.





6. Pattern of Procedural Evasion

Throughout its reply, Respondent No. 4 deflects responsibility by stating that several issues “do not pertain to the Board.” While this is legally correct for non-pollution matters, the Board cannot abdicate its duty to verify pollution control claims, flag procedural gaps, or ensure that deferred components are not bypassed. Its role is not passive—it is regulatory, and it must be exercised with diligence.

REJOINDER TO REPLY TO THE FACT OF THE CASE:

1. Para 1 is denied for misrepresentation and lack of independent scrutiny. The Board’s narration of conducting public hearings and forwarding the Draft EIA does not cure the fundamental defect: there is no inspection report, baseline validation, or third-party audit placed on record for CETP, TSDF, incinerators, boilers, APCDs, or OCEMS/CEMS. Reliance on the proponent’s assertions without technical validation amounts to procedural insufficiency and abdication of statutory responsibility under the Environment (Protection) Act, 1986 and CPCB guidelines. The Hon’ble NGT in *Vikrant Tongad v. Union of India & Ors.*, OA No. 59/2012, order dated 26.02.2014, has held that SPCBs must exercise substantive oversight and not act as passive forwarding agencies.
- 2 – 3. Paras 2 and 3 are denied for lack of independent verification and procedural insufficiency. The Board’s reliance on the project proponent’s claims regarding groundwater extraction, CETP reuse, and BBMB seed money is unsupported by inspection records, feasibility assessments, or enforceable safeguards. No technical validation has been placed on record to confirm whether the CETP is

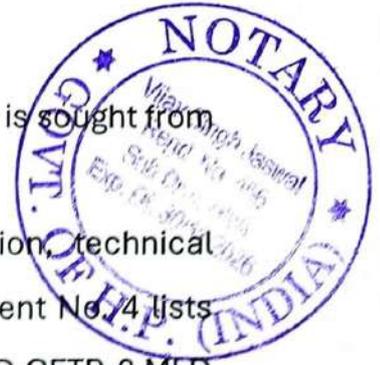
adequate to handle the projected effluent load, whether treated water reuse is viable, or whether the BBMB scheme is operational beyond seed money deposit. The Board has failed to demonstrate any OCEMS/CEMS framework, audit protocol, or performance benchmarks to ensure compliance. In a Category A industrial estate with 22.1 MLD water demand and 700–800 TPD hazardous waste generation, such omissions are material and reflect abdication of statutory responsibility.

4. Para 4 is denied for lack of technical validation and absence of enforceable safeguards. The Board's endorsement of pollution control measures proposed in the Draft EIA Report—such as CETPs, Air Pollution Control Devices, and waste management protocols—is not supported by any independent audit, inspection data, or performance benchmarks. No emissions modelling, dispersion studies, or OCEMS/CEMS integration has been placed on record to demonstrate feasibility or compliance. The Board has not disclosed any vendor prequalification, operational protocols, or monitoring architecture to ensure that the proposed infrastructure meets statutory standards. In the absence of such validation, the projections and safeguards cited remain speculative and unenforceable. The Board's reliance on standard methodologies and conservative estimates, without field verification or enforceable conditions, reflects procedural laxity and undermines its statutory role under the Environment (Protection) Act, 1986.
5. Para 5 is not pressed against Respondent No. 4. The Applicant acknowledges that matters relating to groundwater extraction, illegal mining, and borewell regulation fall within the jurisdiction of the



Ground Water Authority and Jal Shakti Vibhag. No reply is sought from the replying Respondent on this issue.

6. Para 6 is denied for lack of independent verification, technical scrutiny, and enforceable safeguards. While Respondent No. 4 lists proposed pollution control measures including a 5 MLD CETP, 3 MLD STP, incinerators, boilers, wet scrubbers, and DG sets, no inspection reports, performance benchmarks, or monitoring protocols have been placed on record to validate these claims. The reply does not confirm whether the CETP capacity is adequate for the projected effluent load or capable of handling the composite discharge from 80–100 industrial units; whether OCEMS/CEMS systems are mandated or installed; whether emissions modelling or dispersion studies have been conducted; or whether hazardous waste segregation and incineration protocols conform to CPCB standards. The Board's reliance on project proponent declarations, without any independent audit or enforceable conditions, is procedurally insufficient. The Hon'ble National Green Tribunal has held in *Krishan Kant Singh & Anr. v. National Ganga River Basin Authority & Ors.*, OA No. 299/2013, Principal Bench, order dated 16.10.2014, that State Pollution Control Boards must ensure pollution control infrastructure is not merely proposed but is technically validated and subject to continuous monitoring. Respondent No. 4 has failed to discharge this obligation.
7. Para 7 is not pressed against Respondent No. 4. The Applicant acknowledges that matters relating to forests and wildlife, including Schedule I species under the Wildlife (Protection) Act, 1972, fall within the jurisdiction of the Chief Wildlife Warden and the Forest Department. As these issues do not pertain to the statutory functions



of the Pollution Control Board under the Environment (Protection) Act, 1986, no reply is sought from the Respondent on this aspect.

8. Para 8 is not pressed against Respondent No. 4. The Applicant acknowledges that matters relating to public health infrastructure, toxicology preparedness, and emergency medical response fall within the jurisdiction of the Health Department and the District Disaster Management Authority. As these issues lie outside the statutory mandate of the Pollution Control Board under the Environment (Protection) Act, 1986, no reply is sought from the Respondent on this aspect.

9. Para 9 is not pressed against Respondent No. 4. The Applicant acknowledges that matters relating to power supply reliability and energy infrastructure fall within the jurisdiction of the Himachal Pradesh State Electricity Board and the Energy Department. As these issues do not pertain to the statutory functions of the Pollution Control Board under the Environment (Protection) Act, 1986, no reply is sought from the Respondent on this aspect.



DEPONENT

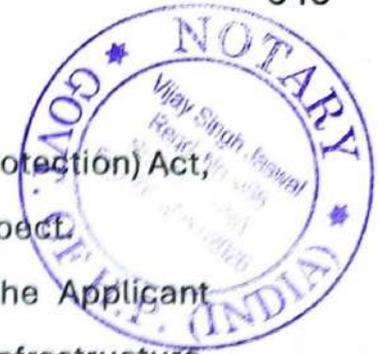
VERIFICATION:

I, Rohit Singh, Aged about 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, Himachal Pradesh, do hereby verify that the contents of this application as stated are true and correct to the best of my knowledge and belief and no part of it has is false and nothing material has been concealed there from.

27.11.2025, New Delhi



DEPONENT



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO 148 OF 2025



IN THE MATTER OF:
Rohit Singh and Ors.

... Applicant

Versus

State of Himachal Pradesh and Ors.

...Respondent

AFFIDAVIT

I, Rohit Singh, aged 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, HP-174303 do hereby solemnly affirm and states as below:

1. That the deponent is applicant in the above-mentioned matter and as such he is well conversant with the facts and circumstances of the present case.
2. That the deponent has gone through the contents of the accompanying Rejoinder. The same has been drafted as per my instructions. The contents of the same are true and correct to the best of my knowledge and nothing material has been concealed there from.
3. That the annexure annexed to the accompanying Rejoinder are true copy of their respective original.

Rohit Singh
DEPONENT

I, the deponent named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed there from.

Rohit Singh
DEPONENT

Dated: 26.11.2025

"Certified that this Affidavit
is presented for attestation by Sh. Rohit Singh
S/o. Sh. K.P. Singh Resident
of Village Basant Vihar, Rakkar Colony, Una, HP
and who is identified by Sh. Anand Sharma, Advocate
Or who is personally known to me and is entered
at serial 17 on date 26/11/25 at 11:22am
Time at Una, (HP) (Place)"

ATTESTED
[Signature]
NOTARY