

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025**

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

**REJOINDERS TO THE REPLIES FILED BY RESPONDENT NO. 2
DATED 25.01.2026 ALONG WITH AFFIDAVIT**

INDEX

S. No.	Particulars	Page No.
1.	Rejoinder to reply dated 25.01.2026 filed by Respondent No. 2	2 - 6
2.	Affidavit	7
3.	Proof of Service	8

Place: Gurugram
Date: 07.07.2026

(Filed by)


Sanjaya Kumar Mishra
Applicant-in-Person
Mobile No. 9818326647
Email: sanjayakmishra@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025**

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

**REJOINDER TO THE ADDITIONAL REPLY FILED BY RESPONDENT
NO. 2 DATED 25.01.2026 ALONG WITH AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY

1. That this Rejoinder is filed in response to the Additional Reply dated 25.01.2026 filed by Respondent No. 2. The Applicant incorporates by reference all facts, arguments, and annexures submitted in the Original Application, Rejoinder dated 11.08.2025, and Rejoinder dated 07.11.2025, as if fully set forth herein.
2. The Applicant categorically denies all statements, allegations, and averments made in the Additional Reply, except those expressly admitted herein.

REPLY TO PRELIMINARY SUBMISSIONS

3. That the contention that two rejoinders supported by a single affidavit suffer from procedural infirmity is devoid of merit. Both rejoinders arise from the same Original Application and the same set of facts. This Hon'ble Tribunal has consistently taken a liberal view to ensure substantive justice. The objection is rejected.
4. That the Respondent's objection to the Applicant's locus standi is misconceived and contrary to Section 18(2)(e) of the National Green Tribunal Act, 2010, which permits any person aggrieved to maintain an application. The Applicant is an aggrieved person as the misreporting of air emissions by Respondent No. 2, a laboratory recognized by Respondent No. 1 under the Environment (Protection) Act, 1986. The testing and reporting undertaken by Respondent No. 2 form an integral part of the statutory environmental regulatory framework and materially affect environmental governance. Accordingly, the present application is maintainable and cannot be rejected on the ground of locus standi.
5. On "Unlawful Means" of Obtaining Documents (Paragraph 4 of Additional Reply): The allegation that the Applicant obtained Test Reports through "illegal means" is baseless. The Respondent does not deny the authenticity or issuance of the Test Reports. Its attempt to question the source is a tactic to avoid scrutiny and is rejected.
6. The Respondent's assertion in Paragraph 6 that the Applicant's contentions are 'contrived' and 'improvised' is baseless. The Applicant's submissions are derived from the plain text of the Notifications and Guidelines. The Respondent's bare denial, without any supporting material, cannot rebut the specific documentary evidence on record.
7. That the contents of Paragraphs 6(a) and 6(b), claiming inadvertent human error and action on customer's request, are false and denied. The

corrected records show that the monitored exit flue gas velocity was below the legally mandated Environmental Clearance threshold, indicating non-compliance by the Respondent's customer. The suppression of such a critical emission-related parameter by Respondent No. 2 in its test report is not a clerical error but a deliberate manipulation of data to conceal such non-compliance. The plea of "good faith" stands contradicted by the admission that the data was removed at the customer's request, amounting to improper reporting and a violation of the Public Trust Doctrine, thereby warranting revocation of recognition.

8. The Respondent's claim in Paragraph 6(c) that the single-time data on Pages 483 and 492 represents an 'average of three runs' is unsupported by any contemporaneous document. A bare assertion of 'laboratory practice,' without documentary proof, cannot rebut the clear record. The Respondent's 'ulterior motives' allegation is a deflection from its failure to substantiate its defense.
9. That the Respondent's reliance on Annexure-R8 (Method Validation Report) to claim detection capability as low as 1 ppm is wholly misplaced. Annexure-R8 is a self-serving internal document prepared by the Respondent itself. The Respondent cannot, through its own internal validation, override the published standard method IS 13270, which explicitly prescribes a Limit of Detection (LoD) of 500 ppm for Gas Chromatography. The Respondent's claim of detecting CO at concentrations as low as 1 ppm using a method whose published LoD is 500 ppm is scientifically untenable and renders the reported results invalid. If the Respondent wished to deviate from the prescribed standard method, it was incumbent upon it to seek formal approval from BIS and CPCB—which it has not done. A private, unverified internal document cannot supplant a government-notified standard. The Respondent's attempt to justify its non-compliance through its own internal validation is an impermissible circumvention of the law and must be rejected.

10. That the Respondents' assertion in Paragraph 6(e) that "improvisation" is denied. The Respondents had not earlier disclosed or placed on record any clear or transparent particulars regarding the alleged extensions, including the basis, authority, or supporting documents for the same. In the absence of such foundational disclosure, the claim remains unsubstantiated.
11. That the contents of paragraphs 6(f) and 6(g) are denied as being incorrect, misleading, and not fully based on facts, particularly with regard to the letter issued by Respondent No. 1 (Central Pollution Control Board) concerning the inspection of the laboratory of Respondent No. 2. Accordingly, the averments made therein are denied.
12. That the contents of the paragraph 7 are denied as being incorrect and contrary to the record.
13. That the contents of paragraph 8 are not accepted for the reasons already submitted at Page 503, Paragraph 2, particularly in the absence of any Proficiency Test with respect to the relevant parameters, and hence stand denied.
14. That the contents of paragraph 9 are denied, the Applicant's conclusions being duly supported by the record.
15. That the contents of the paragraph 10 are denied, and the submissions already made by the Applicant are reiterated.
16. That the contents of paragraphs 11 to 14 are denied as being misconceived and contrary to law. The objection on locus is untenable under Section 18 of the NGT Act, 2010; the allegations regarding motive and illegal sourcing of documents are baseless and irrelevant to the merits; and the Applicant has placed sufficient material on record demonstrating environmental non-compliance, thereby warranting adjudication of the present Application on merits.

In light of the foregoing, the Additional Reply filed by Respondent No. 2 is misconceived, untenable in law, and devoid of merit, and is liable to be rejected, and the present Application deserves to be allowed in the interest of justice and protection of the environment.

Place: Gurugram

Date: 07/07 2026


(Sanjaya Kumar Mishra)

Applicant-in-Person

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 68/2025**

In the Matter of:

Sanjaya Kumar Mishra

...Applicant

Versus

Central Pollution Control Board & Anr.

...Respondents

AFFIDAVIT

I, Sanjaya Kumar Mishra, son of Shri Nilamani Mishra, presently having my address for communication at 115, Sagar Enclave, Sector 104, Near Daulatabad Road, MGF Toyota, Gurugram, Haryana – 122001, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the present Original Application and am fully conversant with the facts and circumstances of the case and competent to swear this Affidavit.
2. The accompanying Rejoinder is filed in response to the Reply Affidavit dated 25.01.2026 filed by Respondent No.2 and forms part and parcel of this Affidavit.

Sanjaya Kumar Mishra
DEPONENT

VERIFICATION:

Verified at Gurugram on this 7th day of July, 2026, that the contents of this Affidavit are true and correct to my knowledge and belief, and nothing material has been concealed therefrom.

Sanjaya Kumar Mishra
DEPONENT



ATTESTED

RAM NIWAS MALIK, ADVOCATE
NOTARY PUBLIC, GURUGRAM (HARYANA)

This document has been registered
at Sr. No. 3684 Book No. 74
Page No. 308 On Dated 10.07.2026

SERVICE OF APPLICANT'S REJOINDERS AND ADDITIONAL DOCUMENT IN O.A. No. 68 of 2025 IN THE MATTER OF: Sanjaya Kumar Mishra Versus Central Pollution Control Board & Anr.

1 message

S.K. Mishra, Advocate <sanjayakmishra@gmail.com>

Tue, Jul 7, 2026 at 11:39 PM

To: suman arora <aroras16@gmail.com>, rajkumar_1992@yahoo.com, adv.tanishasamanta@gmail.com

Madam/Sir,

Please find attached the Rejoinders and Additional Documents being filed in O.A. No. 68/2025 in the matter of Sanjaya Kumar Mishra vs. Central Pollution Control Board & Anr.

Regards,

Sanjaya Kumar Mishra

Applicant in Person

Contact No. 9818326647

3 attachments**RejoinderR1.pdf**

853K

**RejoinderR2.pdf**

535K

**AD.pdf**

2114K