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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 404 OF 2025

IN THE MATTER OF:

Ram Kishore Yadav

...Petitioner

Versus


Ministry Of Environment,

Forests & Climate Change & Ors.

...Respondents

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OFFICE OF AMBER SACHDEVA
CHAMBER NO 116 RK JAIN BLOCK
SUPREME COURT COMPOUND
NEW DELHI 110001

NEW DELHI

13.04.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 404 OF 2025**

IN THE MATTER OF:

RAM KISHORE YADAV

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE &
ORS.

...RESPONDENTS

**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY
FILED BY RESPONDENT NO. 6 (M/S DLF LIMITED)**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:

1. That the present Rejoinder is being filed on behalf of the Applicant in response to the Reply filed by Respondent No. 6 (DLF), which is wholly misleading, evasive, and an attempt to cover up grave and continuing environmental violations.
2. At the outset, all the averments, contentions, and allegations made by Respondent No. 6 in its Reply are denied, save and except those that are specifically admitted herein. The Reply filed by the Respondent proceeds on selective disclosures, suppression of material facts, and a misinterpretation of environmental law.

3. The present Original Application raises substantial questions relating to environment under Sections 14, 15, 16, 17 and 20 of the National Green Tribunal Act, 2010. The central issue is not the commercial stature of Respondent No. 6, nor the personal attack sought to be made on the Applicant, but whether the project in question was allowed to proceed in an ecologically sensitive landscape without strict adherence to the mandate of prior environmental appraisal, precautionary safeguards, truthful disclosure, and continuous regulatory supervision.
4. The Reply filed by the Respondent is a bundle of lies, based on concocted narratives, and aims to mislead this Hon'ble Tribunal by relying on fraudulently obtained statutory clearances, which are nothing but a classic case of 'paper compliance' completely divorced from the ecological ground reality.
5. It is submitted that the Reply filed by Respondent No. 6 is liable to be rejected to the extent it seeks to avoid judicial scrutiny by merely producing a bundle of approvals and asserting that the existence of approvals is itself conclusive proof of legality. Environmental jurisprudence in India is settled that mere grant of an Environmental Clearance, Consent to Establish, or departmental NOC does not immunize a project from scrutiny where there is suppression, misdescription of site conditions, procedural infirmity, illegality in commencement, or material non-compliance with environmental law.
6. The Hon'ble National Green Tribunal has repeatedly held that environmental decision-making must conform to the principles of sustainable development, precautionary principle and inter-generational

equity, and that the Tribunal is not rendered functus officio merely because regulatory permissions have been issued. The order of the Hon'ble NGT in *Shashikant Vithal Kamble v. Union of India (O.A. No. 1017/2018*, order dated 23.12.2022) records that dilution of the environmental appraisal mechanism in construction projects is incompatible with the precautionary principle and sustainable development, and that environmental safeguards cannot be reduced to a mere formality.

7. The Respondent's repeated assertion that because an Environmental Clearance dated 17.08.2022, a subsequent Environmental Clearance dated 14.09.2024, and related consents/NOCs exist, therefore no illegality survives, is legally untenable. The EIA regime under the 2006 Notification is founded on the concept of prior and meaningful appraisal. A defective, incomplete, misleading, or post facto reliance on approvals does not cure violations that occurred prior to such approvals, nor does it foreclose the jurisdiction of this Hon'ble Tribunal to examine whether the project proponent made complete, truthful and lawful disclosures.
8. It is reiterated that the present Original Application raises substantial questions relating to the environment within the meaning of Section 14 of the NGT Act, 2010, including violations of the Environment (Protection) Act, 1986, EIA Notification, 2006, Forest (Conservation) Act, 1980, and the Air and Water Acts.

I. THE REPLY FILED BY RESPONDENT NO.6 IS DEFICIENT

9. The Reply of Respondent No. 6 proceeds substantially on four themes: first, that all necessary approvals were obtained; second, that the land is

not forest/Aravalli/PLPA land; third, that the Applicant is actuated by malice; and fourth, that no environmental harm has been established. Each of these stands is either incomplete in law, disputed on facts, or irrelevant to the core jurisdiction of this Hon'ble Tribunal.

10. The production of approvals does not answer whether site activity had commenced prior to lawful authorization. The petition specifically alleged excavation, RCC work, tree felling, and construction-linked activity before valid environmental and pollution consents were in place. In response, Respondent No. 6 merely asserts that no construction took place prior to clearance and refers generally to EIA annexures, satellite imagery, and photographs, without placing any independent regulatory inspection certifying the exact status of the land on the relevant complaint dates. Such self-serving reliance on its own consultant material cannot displace the need for independent scrutiny.
11. The Reply further attempts to collapse all questions of ecological sensitivity into a narrow proposition that unless the site is formally notified as protected forest or expressly covered by a cited notification, no environmental issue survives. This is contrary to the settled law emerging from forest and environment jurisprudence, where the actual ecological character, surrounding landscape, drainage, hill features, buffer impacts and cumulative ecological consequences remain relevant even if ownership is private or revenue entries are non-forest.
12. The Respondent further seeks to intimidate the environmental proceeding by alleging ulterior motives, extortion, prior litigation and compromise history. Such pleadings are wholly irrelevant to adjudication under the

NGT Act. Even assuming such allegations are made, they do not answer whether environmental law has been violated.

II. LEGAL POSITION ON PRIOR APPRAISAL

13. The Environmental Impact Assessment Notification, 2006 requires prior environmental clearance for covered construction and area development projects, and the environmental regulatory architecture is premised on prior scrutiny of impacts rather than post facto justification.
14. The Hon'ble NGT, in the order dated 23.12.2022 in O.A. No. 1017/2018, held that construction projects impact the environment “in a big way” and that unless such impact is appraised and mitigation measures adopted and monitored, the precautionary and sustainable development principles stand defeated.
15. The same order notes that there must be a credible mechanism for environmental appraisal and that the constitutional obligation to protect environment under Articles 21 and 48A, along with Sections 15 and 20 of the NGT Act, requires meaningful environmental oversight rather than a diluted or merely administrative exercise.
16. Thus, the existence of approvals by itself is not the end of the matter; what matters is whether those approvals were obtained prior to any prohibited activity, on true and complete facts, after proper appraisal, and followed by actual compliance on ground.
17. The Respondent's own reply shows that it relies upon an initial EIA dated 21.04.2022, EC dated 17.08.2022, CTE dated 09.09.2022, later

NOC/clarifications in 2024, a fresh EIA dated 19.03.2024, and a subsequent EC dated 14.09.2024 for expansion-cum-modification. This timeline itself demonstrates that the project evolved materially over time and required renewed appraisal. That very circumstance warrants careful examination by this Hon'ble Tribunal whether the earlier and later permissions covered the exact site activities complained of, whether any excavation/site preparation exceeded what is permissible prior to EC, and whether the project proponent has split, expanded, modified or regularized activities in stages.

III. ACTIVITIES BEFORE EC CANNOT BE TRIVIALIZED

18. The Applicant had specifically relied upon the MoEF&CC Office Memorandum dated 29.03.2022 concerning activities that may be undertaken only for securing land prior to grant of EC, and pleaded that the acts observed at site did not fall within the narrow protective scope of that Office Memorandum.
19. The gravamen of the petition is that deep excavation, RCC pillars, heavy machinery deployment, and construction-linked activity had commenced; such activity, if established, is far beyond mere fencing, guarding, or securing the land and goes to the root of the prior EC requirement.
20. Respondent No. 6 has not produced in its reply any contemporaneous inspection report of MoEF&CC, SEIAA, SEAC, HSPCB or an independent joint committee certifying that on the dates relevant to the complaint no prohibited pre-clearance activity existed. A private EIA

narrative prepared for project appraisal cannot be treated as conclusive evidence of innocence.

21. It is respectfully submitted that construction proponents often attempt to characterize substantial site intervention as preparatory or protective work. Therefore, where the petition discloses photographs, site conditions and allegations of excavation and civil works, the burden shifts onto the project proponent and authorities to place clear, date-wise, authority-certified records. In the absence of such unimpeachable material, the issue deserves a factual inquiry rather than summary dismissal.

IV. ENVIRONMENTAL CLEARANCE IS NOT BEYOND REVIEW

22. Respondent No. 6 repeatedly asserts that the ECs and CTEs are “reasoned and speaking orders”. This bald assertion is not enough. The Tribunal is empowered to examine whether environmental decision-making suffers from non-application of mind, suppression of material particulars, inadequate baseline appraisal, failure to appreciate ecological sensitivity, improper categorization, or post facto validation of earlier acts.

23. The law does not recognize a presumption that every administrative environmental approval is immune from scrutiny. On the contrary, where environmental consequences are serious, judicial review becomes stricter because environmental harm is often irreversible.

24. The Respondent's attempt to argue that “beyond obtaining statutory permissions, a developer has no further legal obligation” is wholly contrary to environmental law. A project proponent has continuing

obligations of truthful disclosure, compliance with all EC conditions, compliance reporting, mitigation implementation, pollution prevention, and avoidance of ecological harm throughout the life of the project.

V. FOREST, ARAVALLI AND ECO-SENSITIVE CHARACTER REMAIN TRIABLE ISSUE

25. The petition asserts that the project lies within or in and around the Wazirabad Pahadi / Aravalli hill system and raises issues regarding forest-like terrain, ridge ecology, ecological corridors, groundwater recharge, and the larger Aravalli environmental system. The Respondent, in turn, relies on DFO NOC/clarifications, Tehsildar reports, revenue descriptions and planning records to deny forest or Aravalli character.
26. This sharp factual contest itself demonstrates why the matter cannot be disposed of merely on the Respondent's unilateral reading of its own annexures. In ecologically contentious zones, revenue nomenclature or private planning status is not always determinative. Courts have repeatedly looked to the actual nature of the land, surrounding landscape, hill features, vegetation, drainage, biodiversity linkages and statutory conservation purpose.
27. The Respondent's argument that the site is residential as per Master Plan and therefore environmentally permissible is legally insufficient. Land use planning permissions and environmental permissibility operate in different fields. A residential land use entry cannot eclipse environmental scrutiny where the site is alleged to form part of a fragile ridge/Aravalli ecosystem or associated ecological buffer.

VI. DLF CANNOT RELY ON PUBLIC AVAILABILITY OF DOCUMENTS AS A SHIELD

28. A repeated argument in the Reply is that documents were available in the public domain and that the Applicant ought to have checked portals before filing the OA.

29. This contention of the Respondent is highly misplaced. First- public availability of a document does not validate the legality of actions taken on site. Second- environmental illegality often consists not in total absence of a paper approval, but in pre-clearance activity, misrepresentation, incremental expansion, suppression of ecological facts, or non-compliance with conditions. Third- portal disclosures are only as reliable as the disclosures made by the project proponent and the degree of regulatory scrutiny exercised.

30. Indeed, the Respondent's own case shows multiple approvals across 2022 and 2024, including a later expansion-cum-modification appraisal. That itself strengthens, rather than weakens, the need for a Tribunal-supervised examination of what exact activity happened on ground, when, and under cover of which approval.

VII. REPLY ON MALICE AND PERSONAL ALLEGATIONS

31. The allegations regarding the Applicant being a “chronic litigant”, having prior disputes with DLF, or seeking to “extort” money are denied as false, scandalous and irrelevant. No amount of such personal attack can cure any violation of the Environment (Protection) Act, 1986, the EIA Notification, the Water Act, the Air Act, or the precautionary obligations recognized by this Hon'ble Tribunal.

32. Environmental law proceedings are issue-centric, not character-centric. Even if the Applicant had prior disputes with the Respondent, that does not confer legality upon environmentally questionable activity. The Respondent's resort to such allegations itself shows inability to answer the environmental issues on merits.
33. It is submitted that the Reply should be read with caution because it attempts to prejudice the Tribunal by irrelevant private allegations instead of placing complete regulatory records, verified date-wise construction logs, tree-felling permissions corresponding to the exact site, joint inspection records, and independent compliance material.

VIII. ALLEGED ABSENCE OF OFFICIAL ACTION IS NOT A CLEAN CHIT

34. Respondent No. 6 emphasizes that no show-cause notice or adverse proceedings are stated to be pending against it. Regulatory inaction, delay, or acquiescence does not legalize environmental damage. Environmental adjudication often becomes necessary precisely because authorities fail to act in time.
35. The NGT has repeatedly exercised jurisdiction in cases where environmental harm or illegality required independent examination notwithstanding administrative silence. The Tribunal's role is not limited to endorsing whatever regulators have or have not done.
36. Where the grievance is that authorities failed to stop ongoing or preparatory site activity and may have proceeded to grant approvals without full appreciation of facts, the absence of enforcement cannot be used as a defense; rather, it strengthens the need for judicial intervention.

PARAWISE REPLY ON MERITS TO THE REPLY OF RESPONDENT NO. 6

1. The contents of Para 1 to Para 5 are denied in totality. It is submitted that "statutory clearance" is not a substitute for "environmental compliance." The Respondent's claim that they have complied with all laws is based on a narrow, mechanical reading of revenue records. The Applicant reiterates that the Environmental Clearance (EC) was granted based on a flawed EIA that omitted the presence of natural water channels and the status of the land as part of the Aravalli Wildlife Corridor. The Respondent has failed to disclose that the site is contiguous to the Asola Bhatti Wildlife Sanctuary. It is denied that the OA is based only on misconceived allegations. The petition specifically raised the issue of prior EC, prior CTE, excavation, civil activity, ecological sensitivity and environmental harm. Mere production of approvals does not answer pre-approval conduct. It is also submitted that Public availability of some approvals cannot defeat the maintainability of the OA where environmental violations on ground are alleged.
2. The contents of Para 6 to Para 10 are wrong and denied. The Respondent's attempt to use a 2008 civil settlement to bar this petition is legally untenable. The 2008 matter dealt with private property rights, whereas the current OA deals with "Environmental Rights" and "Intergenerational Equity." A compromise on a tenancy claim cannot be construed as a "License to Pollute" or a "Waiver of Environmental Protection." Furthermore, the High Court order in *CWP-PIL 146 of 2025* was a summary proceeding regarding general tree-felling policies across the district; it did not examine the site-specific aquifer puncture and soil-degradation caused by "The Dahlias" project.

3. The contents of Para 11 to Para 15 are wrong and denied. The satellite imagery (Annexure A-4) show the land was part of the undulating ridge system of Wazirabad. By relying on a Tehsildar's NOC, the Respondent is attempting to circumvent the *T.N. Godavarman* criteria of "dictionary meaning" of forest. The assertion of rigorous appraisal is denied for want of complete proof. A consultant-prepared EIA and subsequent administrative processing do not preclude judicial review. The grant of approvals under the EP Act, Water Act, Air Act and related laws is itself subject to legality and compliance review. The DTCP licenses and zoning plans, even if existing, do not override environmental law
4. The contents of Para 15 to Para 17 are wrong and denied. The allegations in the OA are not speculative; they are founded on site observations, photographs, screenshots and the legal position that prior clearance is mandatory before covered activity.
5. The project details as contained in Para 18 are matters of record. However, validity of planning or RERA approvals does not settle environmental legality.
6. The entire contents of **Heading IV** are wrong and denied. It is submitted that the contents of the OA shall be read as part and parcel as response to the sub-paragraphs contained herein. It is also submitted that the Preliminary Submissions as advanced by the Applicant shall be read as part and parcel in response to reply to all the allegations levelled by Respondent No.6

7. The contents of Para 19 to Para 32 are denied to the extent contrary to the present rejoinder. The Respondent's repeated refrain that no authority has found fault cannot bar this Hon'ble Tribunal from exercising environmental review jurisdiction.

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- I. Reject the Reply of Respondent No. 6 in its entirety.
- II. Direct an independent 'Ground-Truthing' of the topography and tree-canopy history by the Forest Survey of India (FSI).
- III. Impose Interim Stay on further excavation and hill-cutting at "The Dahlias" project site.
- IV. Appoint a High-Powered Committee to assess the damage to the Aravalli Aquifer.

Purulekhi

AMBER SACHDEVA/PURU LEKHI
(D-5236/2018) (D-4667/2022)
ADVOCATES FOR APPLICANT

Office at: Chamber No. 116 RK Jain Block
Supreme Court Compound, New Delhi

PLACE: NEW DELHI
DATED: 13.04.2026
Mobile No: 9821961222

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BEFORE THE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

Ram Kishore Yadav ...Petitioner

Versus

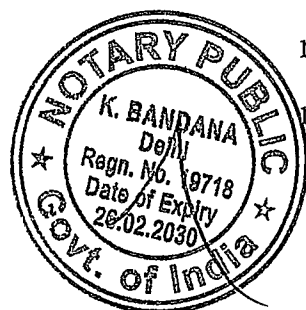
Ministry Of Environment,

Forests & Climate Change & Ors. ...Respondents

AFFIDAVIT

I, Ram Kishore Yadav S/o Lt. Shri. Surat Singh, aged about 52 years, petitioner having his residence at SR-29, First Floor, DLF Phase III, Gurugram do hereby solemnly affirm and state as under:

1. That I am Petitioner in the captioned case.
2. That as such, I am well conversant with the facts and circumstances of the present rejoinder and am competent to swear this affidavit.
3. That I have been read over and explained the accompanying rejoinder and I say the same has been drafted by my Counsels on my instructions. I state that the contents of the same are true and correct to my knowledge and belief and nothing material has been concealed therefrom.
4. That the contents of the accompanying rejoinder may be read as part and parcel of this Affidavit and the same are not repeated for the sake of brevity.




DEPONENT

VERIFICATION

Ambu
1523/2018

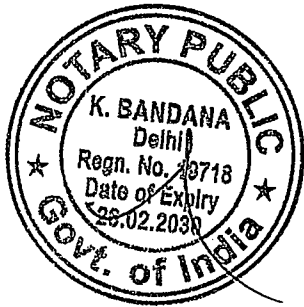
IDENTIFIED

I, Ram Kishore Yadav, the abovenamed deponent do hereby
verify that the contents of the above affidavit are true and correct
to the best of my knowledge. Verified at New Delhi on this 13th
day of April 2026

13 APR 2026



DEPONENT



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ATTESTED
NOTARY PUBLIC DELHI
Govt. of India

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 404 OF 2025**

IN THE MATTER OF:

Ram Kishore Yadav ...Petitioner

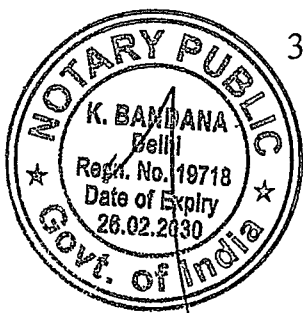
Versus

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AFFIDAVIT

I, Ram Kishore Yadav S/o Lt. Shri. Surat Singh, aged about 52 years, petitioner having his residence at SR-29, First Floor, DLF Phase III, Gurugram do hereby solemnly affirm and state as under:

1. That I am Petitioner in the captioned case.
2. That as such, I am well conversant with the facts and circumstances of the present rejoinder and am competent to swear this affidavit.
3. That I have been read over and explained the accompanying rejoinder and I say the same has been drafted by my Counsels on my instructions. I state that the contents of the same are true and correct to my knowledge and belief and nothing material has been concealed therefrom.
4. That the contents of the accompanying rejoinder may be read as part and parcel of this Affidavit and the same are not repeated for the sake of brevity.



R. Yadav
DEPONENT

VERIFICATION

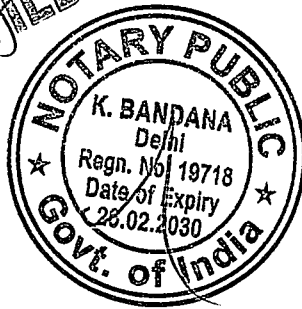
I, Ram Kishore Yadav, the abovenamed deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge. Verified at New Delhi on this 13th day of April 2026



DEPONENT

13 APR 2026

IDENTIFIED



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ATTESTED
NOTARY PUBLIC DELHI
Govt. of India