

Next date: 11.11.2025

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 448 OF 2025

IN THE MATTER OF:

Utkarsh Panwar

...Applicant

Versus

Uttar Pradesh Pollution Control Board & Ors.

...Respondents

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FILED BY:

New Delhi

Date: 7.11.2025

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**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT TO
THE REPLY FILED BY RESPONDENT NO. 2, DISTRICT
MAGISTRATE, SAHARANPUR DATED 31.10.2025**

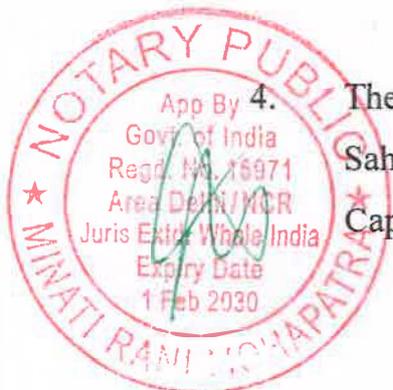
I, Utkarsh Panwar, aged 31 years, S/o Shri Ashwini Kumar, R/o Village Sakuti, District Meerut, Uttar Pradesh, do hereby affirm and state as under-

1. I am the Applicant above named and am aware of the facts and competent to file the present rejoinder affidavit to the reply filed by the Respondent No.2, District Magistrate Saharanpur.
2. At the very outset I state that the contents of the reply dated 31.10.2025, are denied and no part of the same maybe treated as having been admitted for lack of specific denial and the averments made in the Original Application are reiterated herein.

PARAWISE REJOINDER

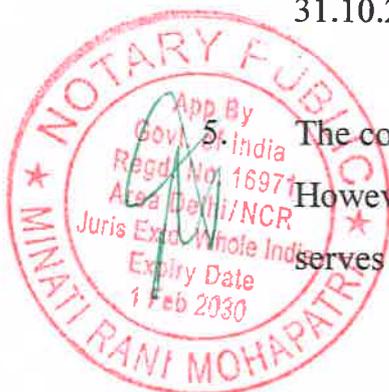
3. The contents of Para 1 need no reply.

4. The contents of Para 2 are misleading. While it is correct that District Saharanpur does not form part of the territorial ambit of the National Capital Region, the same does not mean that the orders of this Hon'ble



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Tribunal passed in identical cases cannot be extended to District Saharanpur as well. For the reasons which are already explained in the Original Application the adjoining districts of the National Capital Region are a source of pollution which affect the life and health of the citizens of the NCR. It is for this reason that this Hon'ble Tribunal has already passed orders in the cases of Districts - Aligarh and Mathura in the State of Uttar Pradesh, as well as for District Hisar of Haryana, directing that the orders of the Hon'ble Supreme Court which restrict the operation of brick kilns except within the months of March to June of each year, shall be made applicable to these districts as well due to their location of being adjacent to the NCR. District Saharanpur also being adjacent to the NCR is similarly placed and hence, the Applicant has sought similar orders for District Saharanpur as well. The prayer of the Applicant is in fact region specific due to the location of District Saharanpur. In fact in the present situation when the AQI in Delhi NCR is rising steadily with the onset of winter season such orders are even more urgently required. Apart from the city of Delhi, there is also evidence that AQI is rising in other parts of the NCR. For example, the AQI in District Muzaffarnagar, which is adjacent to Saharanpur and forms part of the NCR, has risen alarmingly in the past few days as evidenced by news reports. Thus, the objection raised by the Respondent No. 2 on the basis of the judgement of the Hon'ble Supreme Court is of no avail. True copy along with translated copy of news article dated 28.10.2025 published in Dainik Jagran is **Annexure A-1**. True copy along with translated copy of the news article dated 31.10.2025 published in Amar Ujala is **Annexure A-2**.

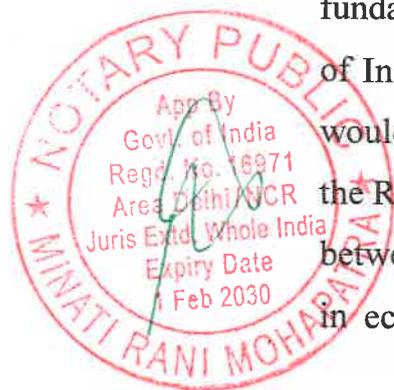


The contents of Para 3 are not within the knowledge of the Applicant. However, the same maybe considered as a matter of record. It only serves to substantiate the contention of the Applicant that a very large

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number of brick kilns are operating in District Saharanpur and therefore Orders are required to be passed regulating the time of their operation.

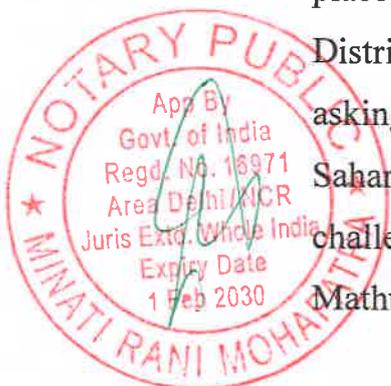
6. The contents of Para 4 are denied. The air quality of District Saharanpur being recorded as moderate is misleading. The Applicant has clearly set out the air quality data for the last 3 years in para 8 of the Original Application (OA), which shows a steady uptick in the official numbers. Additionally, the Applicant has also stated in para 10 of the OA that the air quality monitoring stations are situated in Clock Tower and IIT which are nowhere close to the clusters of the brick kilns. There is no denial of this in the Reply filed by the Respondent No. 2. It is therefore, incorrect for the Respondent No.2 to contend that the operation of brick kilns has not resulted in air pollution crossing into poor or severe categories. Contentions of the Applicant are born out from the Air Quality Data which in any case is not in an accurate reflection of the actual air quality in the area. The orders prayed for by the Applicant are proportionate to the situation and in accordance with the settled environmental law that is the Precautionary Principle.
7. The contents of Para 5 are surprising and denied. In the first place, it is the Constitutional Obligation of the State under Article 48A of the Constitution of India to preserve the environment. It is also the fundamental right of all citizens under Article 21 of the Constitution of India to enjoy a clean and healthy environment which otherwise would impact the quality of life. On the other hand, the submission of the Respondent No.2 is that restricting the operation of the brick kilns between the 1st of March and 30th of June of each year would result in economic loss. The State appears to be more concerned about



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economic gain than about the life and health of citizens. This is a blatant violation of the Constitutional Obligation of the State which or not to be permitted by this Hon'ble Tribunal. It is well settled law that when there is a conflict between a clean and healthy environment and economic interest then the economic interest must give way. Reliance is placed on *MC Mehta versus Union of India (2019) 17 SCC 490*. The objections of the Respondent No.2 are therefore, untenable and ought not to be accepted by this Hon'ble Tribunal.

8. Without prejudice to any other submissions, it must also be noted that the Respondent No. 3 Association of brick kiln owners of District Saharanpur have already filed their reply, stating that they are ready to comply with orders if passed by this Hon'ble Tribunal. Therefore, when the industry members themselves are willing to restrict their operation between the month of March and June of each year in the larger Public Interest then it is not understood why there should be any objection from the State of Uttar Pradesh, which is anyway constitutionally bound to protect the environment and the right to life and health of citizens .The stand taken by the State clearly shows it's disregard for public health which is surprising to say the least.
9. The contents of Para 6 are false and denied. The Applicant is not seeking a mechanical transplantation of orders passed by this Hon'ble Tribunal in other cases to District Saharanpur. The Applicant has placed on record orders passed by this Hon'ble Tribunal in respect of Districts Aligarh and Mathura in the State of Uttar Pradesh and is asking for similar orders to be passed for the identically placed District Saharanpur as well. It is very important to note that the State has not challenged the Orders passed by this Hon'ble Tribunal for Aligarh and Mathura. Therefore, it is not understood how objection can be raised



when similar orders are sought for District Saharanpur as well. It is reiterated that the air quality data is not adequate and the State has not denied the averment of the Applicant that the air quality monitoring stations are nowhere close to the cluster of brick kilns and do not reveal adequate data.

10. Hence it is prayed that the Original Application be allowed and orders as sought by the Applicant may be passed by this Hon'ble Tribunal.

Uthara
DEPONENT

VERIFICATION

That the contents of the above paras are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed there from.

07 NOV 2025

Verified at New Delhi on this the 7th day of November 2025.

Bharat Thakur
IDENTIFIED



Uthara
DEPONENT

ATTESTED

Minati Rani Mohapatra
MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No.

07 NOV 2025

Minati Rani Mohapatra
MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

**Proof of Service**

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Krishna Veer <krishnaveer100@gmail.com>

Advance service of Rejoinder to Reply of Respondent No.2 in re : OA/448/25 : Utkarsh Panwar Vs. Uttar Pradesh Pollution Control Board & Ors.

1 message

Krishna Veer <krishnaveer100@gmail.com>

Fri, Nov 7, 2025 at 3:48 PM

To: priyanka swami <advpriyankaswami@gmail.com>, "office@nddchambers.co.in" <office@nddchambers.co.in>

Dear Sir/Ma'am

Kindly find attached herewith the scanned copy of Rejoinder on behalf of Applicant to Reply of Respondent No.2 in re : OA/448/25 : Utkarsh Panwar Vs. Uttar Pradesh Pollution Control Board & Ors.

Kindly treat this email as **Advance service**.

Regards
Krishna Veer, Clerk
of Mr. Rohan Thawani
Advocate for Applicant

**Rejoinder Affidavit of the Applicant.pdf**

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