

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

[Under Sections 18(1) read with Sections 14 & 15 of the National
Green Tribunal Act, 2010]

EXECUTION APPLICATION NO. 48 OF 2025

IN

ORIGINAL APPLICATION NO. 280 OF 2025

IN THE MATTER OF:-

Mokshi Bhardwaj ... Applicant

Versus.

Union of India & Ors. ... Respondents

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New Delhi

DATED: 12-11-25

[VISHWENDRA VERMA] & [SHIVALI]

Advocates for the Applicants

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REJOINDER BY THE APPLICANT TO THE REPLY FILED BY THE RESPONDENT NO.11.**MOST RESPECTFULLY SHOWETH,**

A. BLATANT VIOLATIONS OF ENVIRONMENTAL NORMS ON WHICH THE O.A. No. 280 OF 2025 WAS FILED THEREAFTER THE EXECUTION PETITION WAS FILED AND THE HON'BLE COURT PASSED DIRECTIONS ON 08.07.2025.

As per admitted records by the Uttar Pradesh Pollution Control Board (UPPCB), the School Authorities have failed to comply with critical environmental standards, including:

- Non-registration of the construction project on the SPCB/DPCC portal.
- Failure to submit self-audit reports and not installing video surveillance for remote monitoring of the site.
- No deployment of anti-smog guns as required.

- Ineffective or absent dust mitigation measures, including lack of wind barriers, dust screens, and improper storage of construction material.

B. GROSS NEGLIGENCE AND THREAT TO PUBLIC HEALTH

This construction activity is being carried out over 20,000 sq. meters in a densely populated residential zone, directly affecting:

- Over 2,700 children studying at the school.
- Nearly 10,000 residents, including staff and local inhabitants.

Children in their formative years are especially vulnerable to the harmful effects of dust on lung, throat and other diseases, diesel emissions, and air pollutants generated by construction and DG set usage. The said DG sets are banned by the NGT in various orders and usage of diesel is not permitted.

C. DERELICTION OF EDUCATIONAL AND CIVIC RESPONSIBILITY

The school, an institution that is meant to educate and in still civic and legal values, is itself flouting the very laws it should uphold. It is setting an extremely poor example for the students and the community by:

- Illegally extracting groundwater without clearance.
- Failing to install a Sewage Treatment Plant (STP).
- Using unauthorized Diesel Generator (DG) sets.

- **Not depositing the environmental penalty/ Compensation** even after more than **eight months** of its imposition.

The conduct displays a disturbing disregard for public welfare and environmental integrity and even towards the pollution controlling authorities.

D. INACTION BY GOVERNMENT AUTHORITIES

The petitioner made several representation and reminders and complaints to various authorities, including the UPPCB, GDA, Municipal Corporation, and District Magistrate, and other administrative authorities no substantial action has been taken. The Ghaziabad Development Authority's requirement for consent from UPPCB for such projects has proven to be a mere formality. The systemic inaction raises serious concerns about the governance and accountability of regulatory bodies responsible for ensuring environmental compliance.

AS PER THE BUILDING BY-LAWS IN UTTAR PRADESH (UP), ANY CONSTRUCTION PROJECT INVOLVING A BUILDING WITH A PLOT AREA OF 500 SQUARE METERS OR MORE MUST OBTAIN PRIOR CONSENT FROM THE POLLUTION CONTROL DEPARTMENT BEFORE PLAN APPROVAL. THE SAID REQUIREMENT ENSURES THAT ENVIRONMENTAL SAFEGUARDS ARE CONSIDERED BEFORE THE COMMENCEMENT OF ANY MAJOR CONSTRUCTION ACTIVITY, WHILE AS PER THE BEST OF THE KNOWLEDGE THE SAID CONSTRUCTION IS A MULTISTORY CONSTRUCTION.

ADDITIONALLY, A CONSENT TO OPERATE (CTO) MUST ALSO BE SECURED BEFORE INITIATING ANY FUNCTIONAL OPERATIONS WITHIN THE BUILDING. THIS APPLIES TO BOTH RESIDENTIAL AND PUBLIC BUILDINGS, INCLUDING SCHOOLS, HOSPITALS, COMMERCIAL COMPLEXES, ETC.

THE HON'BLE SUPREME COURT OF INDIA AND THE HON'BLE NGT PRECEDENTS

The Supreme Court of India has repeatedly emphasized the “polluter pays” principle and upheld stringent penalties against violators. Notable decisions include:

- Goel Ganga Developers V. Union of India (2018) – The Hon’ble Supreme Court of India imposed a ₹100 crore penalty for construction without Environmental Clearance.
- Vellore Citizens’ Welfare Forum Vs. Union of India (1996) – Recognized the importance of sustainable development and enforced strict action against polluters.
- MC Mehta v. Union of India (Delhi Vehicular Pollution case) – Reiterated that the right to clean air is a Fundamental Right under Article 21 of the Constitution.

It is evident that the School Authorities’ are not only violating statutory obligations but also the constitutional right to life and health of thousands and even also violating Hon’ble Supreme Court of India’s & NGT directions.

E. CONDUCTING A MULTI-AGENCY JOINT INSPECTION, INCLUDING LOCAL RESIDENTS’ REPRESENTATIVES, TO

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VERIFY ONGOING VIOLATIONS AND ASSESS PUBLIC HEALTH RISKS.

The school and other administrative authorities should be held accountable when it is clear that the dangerous precedent of impunity and institutional disregard for environmental laws and of the Hon'ble Court's Judgment.

THE OFFICIAL RESPONDENT I.E. UPPCB AND GWD FILED THEIR REPLY IN THE PRESENT MATTER AND CATEGORICALLY STATED AND DEMARCATED VIOLATION COMMITTED BY THE RESPONDENT SCHOOL THEREFORE THE STAND OF THE SCHOOL IN PRESENT REPLY HAS NOT RELEVANCE AND IT CLEARLY SHOWS THAT THE RESPONDENT SCHOOL VIOLATED THE ENVIRONMENTAL NORMS.

PARAWISE REPLY TO THE REPLY FILED BY THE RESPONDENT No.11 :

1. That the contents of para 1 of the reply filed by the respondent No.11 are wrong and hence the same are denied. It is clear from the reply submitted by UPPCB and GWD specified the violation committed by the Respondent School.
2. That the contents of para 2 of the reply filed by the respondent No.11 are wrong and hence the same are denied. It is clear from the reply submitted by UPPCB and GWD specified the violation committed by the Respondent School.
3. That the contents of para 3 of the reply filed by the respondent No.11 are wrong and denied. The Respondent can not raise any legal issue except compliance of the order passed by this Hon'ble Tribunal.
4. That the contents of para 4 of the reply filed by the respondent No.11 are wrong and hence denied. The Present

petition had finally been decided by this Hon'ble court therefore, the respondent no. 11 cannot raise any question about the antic indent and characters of the applicant.

5. That the contents of para 5 of the reply filed by the respondent No.11 are wrong and hence denied. The petition filed by the respondent no. 11 had already been dismissed. To summarize the conduct of the respondent no. 11 is that the replies filed by the respondent may kindly be read along with the present rejoinder.
6. That the contents of para 6 of the reply filed by the respondent No.11 are wrong and hence denied
7. That the contents of para 7 of the reply filed by the Respondent No.11 are wrong and hence denied. It is submitted the applicant reserve right to sue the respondent no. 11 for raising suspect on the credential of the applicant.
8. That the contents of para 8 of the reply filed by the respondent No.11 are wrong and hence denied. It is submitted that the reply of the respondent no. 11 is an contemptuous act, the matter had already been decided by this Hon'ble tribunal and the direction issued there to, The respondent filed their reply in respect of the violation committed by the respondent school and submitted their reply, but in spite of the same, the Respondent no. 11 did not comply with the provision of law and now raising in question in respect of environmental violation. The respondent school violated the environmental norms as the applicant filed a RTI to the CPCB and in the reply of the RTI the CPCB annexed

the documents and of the concerned scientist who inspected the premises categorically noted in the inspection report the violation have been done by the respondent school and in support of the same photographs taken by scientist of the flying squad (Team No. 33) CPCB on 16.07.2025 also annexed as ANNEXURE-RJ-1.

9. That the contents of para 9 of the reply filed by the Respondent No.11 are wrong and hence denied.

PRAYER

It is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- (a) To dismiss the prayer made by the respondent no.11 in reply dated 10.10.2025.
- (b) Direct the respondent to comply with the directions of this Hon'ble Tribunal;
- (c) The authorities may kindly be direct to take strict action against the violator school in the interest of justice
- (d) Direct the Respondent **PRINCIPAL** to appear in person before the Hon'ble Tribunal and issue show cause to her for violation of the environmental norms and causing loss to the infant children and neighbourhood persons residing near about who are more than 10,000 in numbers.
- (e) Impose penalty upon the erring School for deliberate violation of directions issued by this Hon'ble Tribunal;

8

To grant any other and further relief as deemed fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL BE EVER GRATEFUL.

Moksh
Bardway

Signature of the Petitioner

THROUGH

NEW DELHI:

DATED: 12-11-25


[VISHWENDRA VERMA] & [SHIVALI]

Advocate for the Petitioner

UB-33, Indra Prakash Building,

Barakhamba Road,

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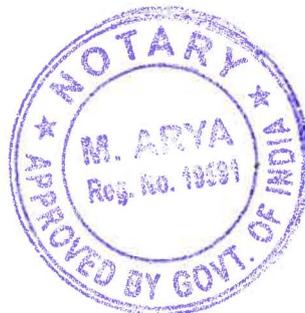
Union of India & Ors.

... Respondents

AFFIDAVIT

I, MOKSHI BHARDWAJ, D/o Shri Kali Charan, Aged about 30 years, R/o Block D, Tower 6, GH 07, Crossing Republic Ghaziabad, Presently at New Delhi do hereby solemnly affirm and state as under-

1. That I am the Applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this affidavit.
2. That the contents of the accompanying rejoinder have been drafted by my counsel as per instructions and I have been read over the contents thereof and I understood the same.



10

3. That the contents of the rejoinder are read over to me in vernacular and the contents of the same are true and correct to the best of my knowledge and belief.



Mokshi
Bardway
DEPONENT

VERIFICATION:

12 NOV 2025

Verified at Delhi on this the day of 2025 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.

Mokshi
Bardway
DEPONENT

I Identify the Deponent who
has Signed in my Presence



ATTESTED
[Signature]
NOTARY PUBLIC

12 NOV 2025



ANNEXURE 337 RJ-1
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
DEPARTMENT OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

B-13011/AQM-RTI/2020-21/

5876

October 03, 2025

To,

Sh. Mokshi Bhardwaj,
Block D, Tower-6, GH-07,
Crossing Republik,
Ghaziabad,
Uttar Pradesh-201016

Sub: Application under Right to Information Act, 2005 - reg.

Ref: RTI application (Registration no-CPCBD/R/P/25/00115/2, dated-09/09/2025 received in AQM Division, CPCB.

Sir,

This has reference to RTI application (Registration no-CPCBD/R/P/25/00115/2, dated-09/09/2025) received in Air Quality Management (AQM) Division, CPCB. RTI has been transferred to the Urban Pollution Control –I (UPC-I) Division, Water Quality Management –I(WQM-I) Division & A.S. Section of CPCB. For reply of point no 12, RTI has also been transferred to the Law Division of CPCB. Point-wise reply of available information with AQM division is given as under:

Reply to Question Nos 1,8,9, 10 & 11: Similar matter was referred to CPCB by Commission for Air Quality Management in National Capital Region and Adjoining Areas (CAQM) though email dated-30.05.2025. Accordingly, a team from Flying squad (Team no 33, Sh. Mukul Mani Tripathi, Sc'B') was deployed to conduct an on-site inspection. Based on the findings of the visit, a detailed report was prepared by inspecting officer and was forwarded to CAQM for taking necessary action. A copy of inspection report is enclosed herewith for reference.

Reply to Question Nos. 7: When a grievance or complaint is received, CPCB generally refer it to the concerned responsible authorities/agencies for taking necessary action. In some cases, inspection is also conducted.

Reply to Question Nos.: 2,3,4,6,12,13 & 14: No information available with AQM division.

Reply to Question No.5: Information in this regard may be sought from concerned SPCBs as SPCBs are mandated to enforce the Air (prevention & Control of Pollution) Act 1981, including issuance of CTO (Consent to Operate) and CTE (Consent to Establish).

(P. Agarwal)
CPIO & Divisional Head,
Air Quality Management

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in

Commission for Air Quality Management In NCR and Adjoining Areas

Onsite Preliminary Inspection Findings (C&D projects)

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- (I) Preliminary indicative list of violations observed at the time of inspection.
 (II) Only appropriate box to be ticked (✓)

Team No. 33Date of inspection: 16/07/2025

Sl No.	Mandate	Yes	No
1.	Only applicable to plots area > 500 sqm		
a)	Registration on Web Portal of respective SPCB/DPCC	Yes	
b)	Self-certification of the project on the web portal of respective SPCB/DPCC	Yes ^{24/04/25}	
c)	Installation of PTZ camera (Web cam 360°)	Yes	
d)	Installation of low cost PM sensor	No	No
For all C&D sites			
2.	Deployment of requisite no. of anti-smog gun(s) (As per Direction no. 69)	Yes	
3.	Sprinkling of water / dust suppressant	Yes	
4.	Installation of wind breakers along the project boundary	Yes	
5.	Installation of dust screens around active construction zone	Yes	
6.	Covering of construction materials, demolition waste & loose Soil etc.	Yes	
7 (a)	Status of DG Set(s) Indicate Capacity (KW/KVA) for each DG set(s)	125 KVA	
7(b)	Whether compliant with Direction No. 76		No

- Remarks, if any:** Two DG sets were there at the site of 125 KVA each without RECD & DPK although proponent has purchased 1 DG of 250 KVA ^{CPCB TO} which will replace the ^{previous} two DG sets.
- Note:**
- The list of violations indicated above are preliminary without prejudice to further detailed examination & subsequent action thereon.
 - Immediate corrective actions in respect of above indicated violations & adherence to other statutes / guidelines are to be ensured by the project proponent and reported along with documentary evidence viz. photographs, video, documents, to concerned SPCBs / DPCC and CAQM.

Mukul Mani Tripathi

Name and Signature of inspecting official:

Designation: Scientist - B

Acknowledgement of Receipt
 by the Proponent or his representative

FORMAT FOR INSPECTION REPORT BY FLYING SQUADS (C&D Site)

- (I)** It may be ensured that the inspection report is finalized only after comprehensive inspection and after ascertaining records wherever feasible.
- (II)** Since prosecution may have to be resorted to in some cases, adequate documentary proof of violations of Commission's Directions/ relevant rules/ regulations should be made available including evidenced photographs and videos.

Team No.: 33

Date of inspection: 16.07.2025

1.	Name of Unit / Entity	BBPS Block-5	
2.	Name of MD / Director / Manager / Owner	Name: Swapna Nair Designation: Principle	
3.	Full postal address	Bal Bharati Public School, Brij Vihar, Ghaziabad, UP, Ghaziabad-201011	
4.	i. Landline Number ii. Mobile Number	9266093355	
5.	Email Id	snehlata.chauhan04@gmail.com	
6.	Plot Size of construction	1672.25 m ²	
6(i)	Whether registered on Web Portal of respective SPCB	Yes	
6(ii)	Whether Self-certification of the project has been done		No (Last Uploaded on 24.06.2025)
6(iii)	Whether PM 2.5 & 10 sensors installed at the site		No
6(iv)	Whether cameras for 360-degree video fencing installed at the site	Yes	
7.	Physical Compliance of Self-certification		
7(i)	Total area of construction	3271.32 m ²	
7(ii)	Total No. of anti-smog guns	Required 0	Deployed 2

14

8.	Other gross non-conformities / non-compliances observed (Wind breakers, spraying of water mist and dust suppressant, dust screens at construction sites, covering of construction materials by tarpaulin, plastic, agri-shed, nets fences / screens, ensuring transportation of C&D materials and waste through covered vehicles etc.)	
S. No.	Detail of the non-conformity observed	Relevant statutes (Acts / Rules / Regulations/ Directions/ Orders etc.) not complied with
(i)		
(ii)		

9. In view of observations at Sl. No. 7 & 8 whether recommended for Closure: (Yes/No)

If No, reasons thereof:

**DG set-wise compliance status with respect to the Schedule under
Direction No. 76 dated 29.09.2023**

S. No	DG Set capacity	Mandate as per the Schedule	Status of compliance Compliant/ action initiated for compliance/ non-compliant and no action initiated	Details of firm action initiated for compliance: P.O./ agreement etc. in respect of ECD/ dual fuel kit, PNG connection, new DG (CPCB-IV) etc.	Whether DG set is being used only for emergency purposes as listed in Direction No. 76 (Yes/No)
1.	125KVA	RECD/Dual Fuel mode	Non-Compliant	No Action Initiated	No
2.	125KVA	RECD/Dual Fuel mode	Non-Compliant	No Action Initiated	No
3.	250KVA	RECD/Dual Fuel mode	Compliant	CPCB IV	

Mukul Mani Tripathi

Name and Signature of inspecting official:
Mukul Mani Tripathi

Designation: Scientist-B

Contact No. (Mobile): 8840244067

E mail: mukul.cpcb@gov.in

Please attach relevant photographs of violations by the unit, unless it is not feasible.

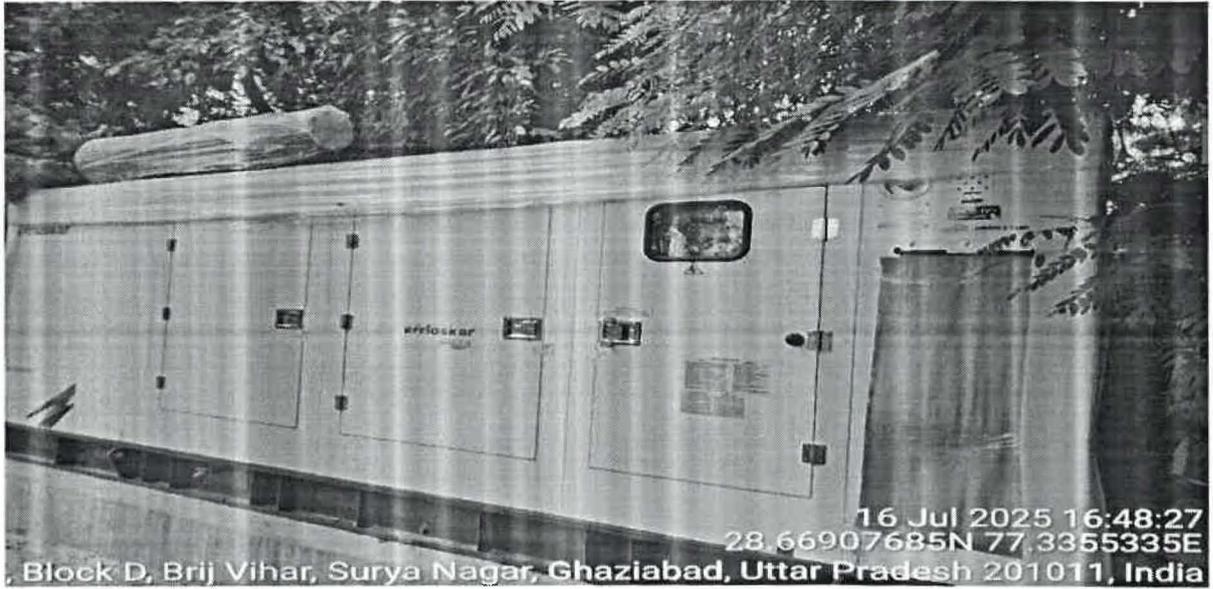


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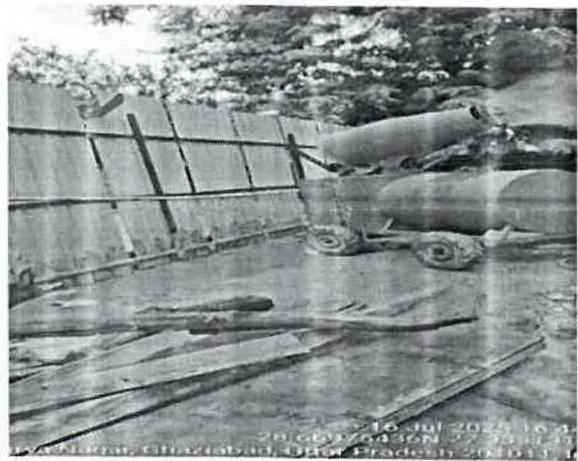


2 DGs 125 KVA inside the premises

17



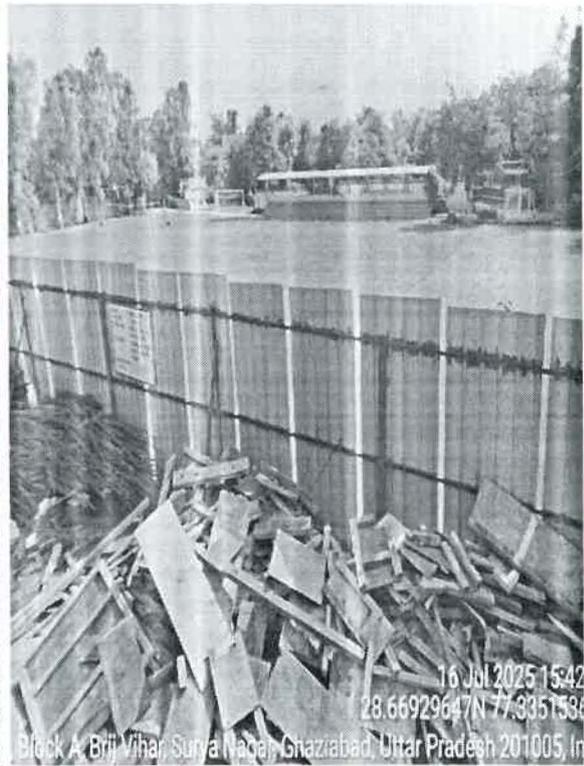
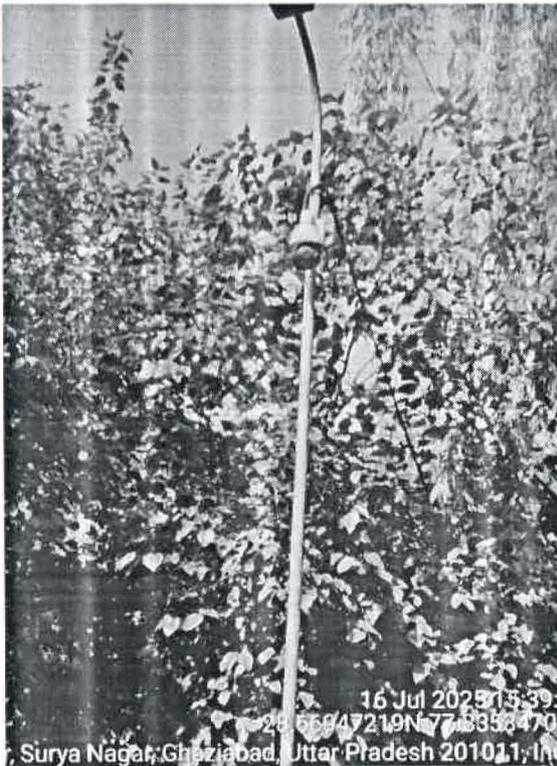
250 KVA CPCB IV DG set inside the premises



Green Net And Anti-Smog Gun were present at the site

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PTZ Camera and Wind Breaker were installed

REJOINDER FOR Respondent No 11

From: Vishwendra Verma (verma.vishwendra@yahoo.co.in)

To: mefcc@gov.in; moef@nic.in; ya.rao@nic.in; dmgha@nic.in; gdagzb@gmail.com; secgda@gmail.com; gzb.nagar.nigam@gmail.com; chairman@uppcb.in; ms@uppcb.in; roghaziabad@uppcb.in; ccb.cpcb@nic.in; cdo.gz-up@nic.in; upgwd.in@gmail.com; srishti.9192@gmail.com; ceo1@uppcb.in; ctpgzb@gmail.com; asgdaofficial@gmail.com; gda.enfo.z7@gmail.com; ghaziabad.bsa@gmail.com; dios.gzb@gmail.com; chmn-cbse@nic.in; secy-cbse@nic.in; info.cbse@gov.in; cpcaqm-moefcc@gov.in; arvind.nautiyal@gov.in; cd2ghaziabad@gmail.com; psmigoup2016@gmail.com; upgwd.atal@gmail.com; atal-jal@gov.in; officeofrohitkumar@gmail.com; bbpsbv@balbharati.org

Date: Wednesday 12 November, 2025 at 06:06 pm IST

Dear Sir/Mam

PFA the filed Rejoinder for the reply filed by the Respondent No . 11 i.e., Bal Bharati Public School
NEXT DATE OF HEARING IS 18.12.2025

Thanking you,

Warm Regards,

Vishwendra Verma
Advocate

M/s. NSV LAW ASSOCIATES

Advocates, Solicitors & Consultants

UB-33, IndraPrakash Building
21, Barakhamba Road, Connaught Place,
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