

**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: 5-11-25

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**REJOINDER BY THE APPLICANT TO THE REPLY FILED BY
THE RESPONDENT NO.8.****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 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 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.

PARAWISE REPLY TO THE REPLY FILED BY THE RESPONDENT No.8 :

1. That the contents of para 1 of the reply filed by the Respondent No.8 need no comments but no documents of authorisation filed by the Respondent No.8 herein. As but only narration of the orders passed by the Hon'ble Tribunal.
2. That the contents of para 2 of the reply filed by the Respondent No.8 are wrong and denied. The present petition is only for the execution of the order passed by this Hon'ble Court hence the defaulting party is Respondent no. 8 who with deliberate act did not comply with the direction by this Hon'ble Court.
3. That the contents of para 3 of the reply filed by the Respondent No.8 need no comments.

REPLY TO PRELIMINARY SUBMISSION FILED BY THE RESPONDENT NO. 8:

4. That the contents of para 4 of the reply filed by the Respondent No.8 need no comments. It is submitted that the respondent stated about the notifications only but no statement stated in the entire para about the compliance of the order and even not stated anywhere why the violation of the notifications committed by the Respondent No. 11 i.e, the violator School.



5. That the contents of para 5 of the reply filed by the Respondent No.8 need no comments.
6. That the contents of para 6 of the reply filed by the Respondent No.8 need no comments.
7. That the contents of para 7 of the reply filed by the Respondent No.8 need no comments. It is submitted that a special task force, named the Commission for Air Quality Management (CAQM), has been established specifically for the Delhi/NCR region to control and reduce environmental pollution. The CAQM issued Direction No. 76 dated 29.09.2023, as amended, addressed to the Government of NCT of Delhi and the state governments of the NCR. The said direction prohibits the use of diesel DG sets exceeding 20 KVA capacity. For DG sets above this capacity, either retrofit emission control devices must be installed, or the Gensets must comply with CPCB Stage IV standards, as approved by the Commission. It is important to note that the compliance of the CAQM direction is monitored by a special team of scientists from the CPCB, functioning as a "flying squad" on behalf of the CAQM. Therefore, the CPCB cannot disclaim its role or presence in this matter, as it acts as the central authority overseeing and directing the state authorities.
8. That the contents of para 8 of the reply filed by the Respondent No.8 need no comments. It is submitted the direction is there and judgment passed by this Hon'ble tribunal is still their but the respondent by one or other mean saving the violator school authorities. The Commission for Air



Quality Management (CAQM) under the supervision of Central Pollution Control Board (CPCB) issued Direction Nos. 11-14 dated 11.06.2021, mandating the registration of construction and demolition (C&D) projects in the NCR region with an area exceeding 500 square meters. It is pertinent to note that the violator school in question has a construction area exceeding 500 square meters and, therefore, falls within the scope of the aforementioned CAQM directions. The Commission for Air Quality Management - CAQM issued Directions Nos. 11-14 dated 11.06.2021, mandating, inter alia, the deployment of a minimum number of anti-smog guns at construction sites to mitigate dust and particulate emissions. It is pertinent to note that the violator school in question operates a construction unit within its premises and, therefore, falls within the ambit of the aforesaid CAQM Directions.

9. That the contents of para 9 of the reply filed by the Respondent No.8 need no comments.
10. That the contents of para 10 of the reply filed by the Respondent No.8 need no comments, as only narration of compliance of the law.
11. That the contents of para 11 of the reply filed by the Respondent No.8 need no comments, as only specifying about the compliance of Law. The respondent is totally silent about the compliance of the Judgment passed by this Hon'ble Court.



12. That the contents of para 12 of the reply filed by the Respondent No.8 need no comments, as only specifying about the compliance of Law. The respondent is totally silent about the compliance of the Judgment passed by this Hon'ble Court.
13. That the contents of para 13 of the reply filed by the Respondent No.8 need no comments, as only specifying about the compliance of Law. The respondent is totally silent about the compliance of the Judgment passed by this Hon'ble Court.

REPLY BY THE APPLICANT TO THE PARA-WISE REPLY:

14. That the contents of para 14 of the reply filed by the Respondent No.8 need no comments, as only specifying about the compliance of Law. The respondent is totally silent about the compliance of the Judgment passed by this Hon'ble Court.
15. That the contents of para 15 of the reply filed by the Respondent No.8 need no comments, The respondent is totally silent about the compliance of the Judgment passed by this Hon'ble Court.
16. That the contents of para 16 of the reply filed by the Respondent No.8, It is submitted that the respondent has to comply with the direction of this Hon'ble Court and except that nothing needed in the present matter as the present



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execution petition is to comply with the direction by this Hon'ble Court.

17. That the contents of para 17 of the reply filed by the Respondent No.8, It is submitted that the respondent has to comply with the direction of this Hon'ble Court and except that nothing needed in the present matter as the present execution petition is to comply with the direction by this Hon'ble Court.

It is nowhere stated that the entire reply is silent and the answering respondent is complying with the Judgment passed by this Hon'ble tribunal. The answering respondent is bound to comply with the Judgment dated 30.05.2025.

PRAYER

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

- (a) Direct the respondent to comply with the directions of this Hon'ble Tribunal.
- (b) Direct the respondent authorities to appear in person before the Hon'ble Tribunal and state reasons why they have not complied with the directions issued by this Hon'ble Court.
- (c) Impose penalty upon the erring Authorities for deliberate violation of directions issued by this Hon'ble Tribunal.



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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.



Signature of the Petitioner

THROUGH

NEW DELHI:

DATED: 5-11-25



[VISHWENDRA VERMA] & [SHIVALI]
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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.



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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.

Moksh
Bhardwaj

DEPONENT

VERIFICATION:

5 NOV 2025

Verified at Delhi on this the day of nov, 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.

Moksh
Bhardwaj

DEPONENT



ATTESTED

NOTARY PUBLIC

5 NOV 2025

REJOINDER FOR Respondent-8 CPCB

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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

Date: Wednesday 5 November, 2025 at 04:55 pm IST

Dear Sir/Mam

PFA the filed Rejoinder for the reply filed by the Respondent No 8 CPCB.
NEXT DATE OF HEARING IS 18.12.2025

Thanking you,

Warm Regards,

Vishwendra Verma
Advocate

M/s. NSV LAW ASSOCIATES

Advocates, Solicitors & Consultants

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