

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
I.A. NO. 728 OF 2025
IN
APPEAL NO. 62 OF 2025

IN THE MATTER OF:

Rajpal Saini and Another

...Appellants

Versus

Union of India and Others

...Respondents

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NDOH: 04.02.2026

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Filed by



UNUC LEGAL LLP

Advocate for the Respondent No.3

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New Delhi – 110049

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Place: New Delhi

Dated: 03.02.2026

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MEMO OF PARTIES

1. Municipal Corporation of Delhi
 Dr. S.P.M. Civic Centre, Minto Road
 New Delhi – 110002
 Email ID: mcd-ithelpdesk@mdc.nic.in ...Applicant/Impleader
 No. 1

2. Central Pollution Control Board
 Parivesh Bhawan, East Arjun Nagar
 Delhi – 110032
 Ph No. +91-11-43102030
 Email ID: ccb.cpcb@nic.in ...Applicant/Impleader
 No. 2

IN APPEAL NO. 62 OF 2025

1. Rajpal Saini S/o Hardayal Singh
 R/o Village Sanoth, Narela – 110040 ...Appellant No. 1

2. Manage Ram Atwal S/o Prabhu Dayal Atwal
 R/o Village Sanoth, Narela – 110040 ...Appellant No. 2

Versus

1. Union of India
 Through the Secretary of the Ministry, Environment,

2

Forest and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi – 110003
Email ID: secy-moef@nic.in

...Respondent No. 1

2. Delhi Pollution Control Committee
Through the Member Secretary
6th Floor, B Wing, Delhi Secretariat
IP Estate, Delhi – 110002
Email ID: msdpcc@nic.in

...Respondent No. 2

3. M/S Jindal Urban Waste Management (Bawana) Ltd
Through the Director
Jindal ITF Centre
28 Shivaji Mark New Delhi – 110015

...Respondent No. 3

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New Delhi – 110049

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**REJOINDER ON BEHALF OF RESPONDENT NO. 3 TO THE
REPLY FILED BY THE APPELLANTS TO I.A NO. 728 OF 2025**

TO,

THE HON' BLE CHAIRPERSON AND HIS COMPANION
MEMBERS OF THE HON' BLE NATIONAL GREEN TRIBUNAL

MOST RESPECTFULLY SHOWETH:

PRELIMINARY SUBMISSIONS:-

1. That the original appeal filed under Section 16(h) read with Section 18 of the National Green Tribunal Act, 2010, challenges the Environmental Clearance (EC) dated 18.06.2025 issued for a 30MW Waste-to-Energy (WtE) project at DSIIDC Industrial Area, Bawana, in favour of M/S Jindal Urban Waste Management (Bawana) Ltd.
2. It is respectfully submitted that for the effective and complete adjudication of the present Appeal, it is imperative that the Municipal Corporation of Delhi (MCD) and the Central Pollution Control Board (CPCB) be impleaded as necessary and proper parties, as both authorities exercise statutory and regulatory functions that are directly and substantially connected with the

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establishment, operation, and environmental compliance of the impugned Waste-to-Energy Project. Since the Appellants' challenge to the impugned EC is found upon the alleged non-compliance with buffer zone requirements, emission standards, cumulative pollution impacts and adequacy of monitoring mechanisms all of which fall squarely within the functional domain of MCD and CPCB, their presence before this Hon'ble Tribunal is indispensable.

3. That the statutory role of municipal corporations in establishment and facilitation of waste processing and waste-to-energy facilities stands authoritatively recognised by the Hon'ble Supreme Court in *Pune Municipal Corporation v. Sus Road Baner Vikas Manch & Ors.*, (2024) 9 SCC 1. The Hon'ble Court has held that under Rule 15(q) and 15(v) of the Solid Waste Management Rules, 2016, local authorities are mandated to transport segregated waste to processing facilities and to facilitate construction, operation and maintenance of solid waste processing facilities, including waste-to-energy processes, either on their own or with private sector participation. The Supreme Court treated the Municipal Corporation as the project sponsoring and facilitating authority, notwithstanding the presence of a concessionaire. Applying the aforesaid ratio, the Municipal Corporation of Delhi is the statutory authority primarily responsible for the management of municipal solid waste within the National Capital Territory of Delhi, including planning, establishment and implementation of infrastructure relating to collection, transportation, segregation, processing and scientific disposal of municipal waste. In discharge of its statutory functions, the MCD

invited bids, awarded the subject Waste-to-Energy/Solid Waste Processing Project to Respondent No. 3 as the Concessionaire, and identified and duly earmarked the project site for establishment of the said facility. Accordingly, MCD is not a mere site owner but the project-sponsoring and concessioning authority, and is therefore a necessary and proper party to the present proceedings.

Notably, the statutory and project-specific role of the Municipal Corporation of Delhi in Waste-to-Energy projects, including the Narela-Bawana project, stands authoritatively recognised by the Hon'ble Supreme Court in its judgment dated 02.01.2025 in Municipal Corporation of Delhi v. Gagan Narang & Ors., Civil Appeal Nos. 7463–7464 of 2023, wherein the Hon'ble Court was considering and affirming the legal authority of MCD to initiate and conduct a tariff-based competitive bidding process and to seek adoption of tariff for a Waste-to-Energy power project.

The Hon'ble Court has categorically held that MCD is mandated under Rule 15(v) of the Solid Waste Management Rules, 2016 to facilitate construction, operation and maintenance of Waste-to-Energy facilities and that the Narela-Bawana Waste-to-Energy project was proposed and implemented by MCD in pursuance of its statutory obligations. The Hon'ble Court further held that MCD cannot be treated as a “total stranger” to the project, that it validly conducted the bidding process, and that the project is on a Design-Build-Finance-Operate basis with ownership remaining with MCD and reversion of the facility to MCD after 25 years. The said

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judgment conclusively establishes that MCD is the project-sponsoring and implementing authority for the Narela-Bawana WtE plant, and therefore a necessary and proper party to the present proceedings.

4. Further, CPCB, constituted under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, is the apex national authority responsible for framing and enforcing emission standards, prescribing technical guidelines for Waste-to-Energy plants, issuing the 2019 Guidelines on Buffer Zones around Waste Processing and Disposal Facilities, and notifying emission norms applicable to WtE plants, which form the foundation of the environmental appraisal of the present project. Further, in January 2025, CPCB issued the revised "Classification of Sectors into Red, Orange, Green, White and Blue Categories", whereby Waste-to-Energy plants have been reclassified under the newly created "Blue Category" meant for Essential Environmental Services, thereby placing CPCB at the center of defining the regulatory contours, monitoring requirements, and safeguards applicable to such projects. Accordingly, it is just, proper, and in the interest of justice that MCD and CPCB be impleaded as a necessary and proper party in the present proceedings.
5. At the outset, all the contentions, allegations and statements made by the Appellants in their reply are denied and nothing shall be deemed to be admitted by this Respondent, by reasons of non-traverse or otherwise, unless specifically admitted herein.

PARAWISE RESPONSE

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1. That the contents and averments made in Paragraph No. 1-2 are a matter of record.
2. That the contents and averments made in Paragraph No. 3-4 does not warrant any reply.
3. That the contents and averments made in Paragraph No. 5 are misleading, baseless and hence denied. It is denied that merely because the Environmental Clearance for Category 'A' projects is granted by the MoEFCC on the recommendations of the Expert Appraisal Committee, only MoEFCC can be treated as a necessary or proper party to the present Appeal. While MoEFCC is undoubtedly a necessary party, the present Appeal raises issues which extend far beyond the procedural grant of Environmental Clearance and directly concern municipal solid waste management, site suitability, buffer zones, waste supply, segregation, cumulative impacts, and compliance with national pollution standards. These matters fall within the statutory and functional domain of other authorities, including the Municipal Corporation of Delhi and the Central Pollution Control Board. The existence of jurisdiction of MoEFCC under the EIA Notification, 2006 does not exclude the necessity of impleading other authorities whose statutory functions are integrally connected with the subject project.

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4. That the contents and averments made in Paragraph No. 6 are misleading, baseless and hence denied. It is not disputed that the Delhi Pollution Control Committee is the authority responsible for conducting public consultation under the EIA Notification, 2006 and is a necessary party to the present Appeal. However, the Appellants' attempt to suggest that only the authorities directly involved in the public hearing or grant of Environmental Clearance can be impleaded is misconceived. The present Appeal raises multiple issues beyond the conduct of public consultation, including site selection, buffer zone compliance, municipal solid waste management, cumulative environmental impacts, and adherence to national pollution control standards, which fall within the statutory domain of the Municipal Corporation of Delhi and the Central Pollution Control Board. The impleadment of MCD and CPCB does not in any manner dilute or substitute the role of DPCC, but is essential for complete and effective adjudication of the broader issues involved in the present proceedings.

5. That the contents and averments made in Paragraph No. 7-8 are baseless, misleading and hence denied. While the Project Proponent is undoubtedly a necessary party, the Appellants' contention that no other authority can be impleaded is misconceived. The present Appeal raises issues regarding site selection, municipal solid waste supply, segregation, buffer zones, and cumulative impacts, all of which fall within the statutory domain of MCD and CPCB. Their presence is therefore essential for complete and effective adjudication.

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6. That the contents and averments made in Paragraph No. 9 of the Appellants' reply are baseless, misleading and hence denied. The role of the Municipal Corporation of Delhi, when viewed in the context of the municipal solid waste management framework, is not that of a superfluous site owner, as erroneously suggested by the Appellants. This has also been reaffirmed in the judgement Municipal Corporation of Delhi versus Gagan Narang & Ors. wherein the Hon'ble Supreme Court held as follows:-

“In any case, the APTEL has grossly erred in treating the present Appellant-MCD as a total stranger. The WTE project was on Design, Build, Finance and Operate basis. The ownership of the said Project was always to be with the Appellant-MCD and the operation of the facility is required to be transferred back to the Appellant-MCD after 25 years. The reasoning given by the APTEL, that if the application of the Appellant-MCD for adoption of tariff was held to be tenable, then it would amount to permitting any stranger to apply under Section 63 of the Act, is factually not correct. The APTEL failed to take into consideration that the Appellant-MCD was establishing the said Project in order to perform its statutory obligations. The plain reading of Section 63 of the Act would reveal that the Appropriate Commission has to adopt the tariff only after being satisfied that such a tariff has been determined through a transparent process of bidding in accordance with the guidelines issued by the Central Government.”

The MCD, being the Concessioneing Authority and the statutory municipal solid waste management authority, discharges several statutory and contractual responsibilities in relation to the present project, including, inter alia:

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- a) Allocation and supply of municipal solid waste feedstock to the project as per the terms of the concession;
- b) Approval and allotment of the project site within the DSIIDC Industrial Area, Bawana;
- c) Ensuring compliance with waste segregation norms, collection logistics, and transport mechanisms for the waste delivered to the project site;
- d) Coordination with regulatory agencies, including DPCC, DSIIDC, and the Department of Urban Development, for the implementation of the project in accordance with civic and environmental laws;
- e) Monitoring of performance standards and ensuring that the project's operation remains consistent with the Solid Waste Management Rules, 2016, and the contractual obligations stipulated under the Concession Agreement.

Further, it is important to highlight before this Hon'ble Tribunal:

9. That the contents and averments made in Paragraph 10 are baseless, misleading and hence denied. CPCB is a relevant stakeholder in this case and has several responsibilities, such as –
 - a) Formulation and enforcement of national environment standards, continuous monitoring of ambient air and water quality, issuance of technical guidelines for the management of industrial

emissions and solid waste, and preparation of nationwide environmental status reports. Further, CPCB advises the MoEFCC on environmental policy matters and furnishes expert inputs for projects.

- b) Regulating and enforcing environmental standards, monitoring pollution levels, issuing guidelines and notifications such as the 2019 Guidelines on Buffer Zones for Waste Processing Facilities, and supervising compliance with such standards across the country.
- c) Providing technical guidance and supervision to the Delhi Pollution Control Committee (DPCC) in implementing pollution control norms and environmental monitoring for the project. It also validates DPCC's monitoring protocols, ensuring alignment with national standards for waste-to-energy facilities.
- d) Receiving data online from DPCC and the Project Proponent in order to review, audit, issue directions for excessive emissions and conducting periodic inspections and technical assessments of WtE plants for national performance review reports.
- e) Most crucially, under the revised framework enumerated in a document titled "Classification of Sectors into Red, Orange, Green, White and Blue Categories (A Tool for Progressive Environmental Management)", the present project has been classified as a Blue Category Project whose supervision is exclusively handled by the CPCB. Given that no State Pollution

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Control Board (SPCB) or Pollution Control Committee (PCC) is empowered to alter or interpret the scope of this category, CPCB's rule becomes inevitable in its governance.

The specific role of the CPCB in this specific project are not reiterated here for the sake of brevity but have been delineated elaborately in I.A. 728 of 2025, and this Respondent craves leave to refer and rely upon the same at the time of hearing of this Application. In the light of the same, the presence of CPCB as a Respondent before this Hon'ble Tribunal is essential for a complete, effective, and proper adjudication of the matter.

10. That the contents and averments made in Paragraph No. 11, 12 and 13 are misleading, baseless and hence denied. The Appellant's reliance on judicial precedents such as *Kasturi v. Iyyamperumal* (2005) 6 SCC 733 and *Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd.* (2010) 7 SCC 417 are founded on partial readings of the same and the said principles laid down in the judgement does not apply to the facts of the present case. While these cases do discuss the impleadment of parties where "a right to relief is sought" they simultaneously also discuss the necessity of impleadment when "no effective decree can be passed in the absence of such party". The latter is a decisive point in the present case that has completely been ignored by the Appellant. The present Appeal raises controversies relating to site suitability, buffer zones, municipal solid waste supply and segregation, cumulative environmental impacts, and compliance with national pollution

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control standards. Effective and enforceable directions in respect of these controversies cannot be issued or implemented in the absence of the Municipal Corporation of Delhi, which is the concessioning authority, land-owning municipal body and exclusive supplier of municipal solid waste to the project, and the Central Pollution Control Board, which prescribes the binding emission standards and buffer zone guidelines relied upon by the Appellants themselves. Therefore, it is submitted that the impleadment of both parties, MCD & CPCB, is necessary in the interest of justice as they are both proper and necessary parties whose presence is required for the complete and proper adjudication of the issues involved in the present proceedings.

11. It is submitted that the present rejoinder has been filed in a bona fide manner and no prejudice will be caused to any existing parties if the appeal for impleadment is allowed.

PRAYER

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

- a. Allow I.A. No. 728 of 2025 and implead the Municipal Corporation of Delhi (MCD) and the Central Pollution Control Board (CPCB) as Respondents in Appeal No. 62 of 2025 titled "*Rajpal Saini and Anr Versus Union of India and Ors.*"

- c. Pass such further or other orders as this Hon'ble Tribunal may deem necessary.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT AS IN DUTY BOUND SHALL EVER PAY.



RESPONDENT

Through



UNUC LEGAL LLP

Advocate for the Respondent

P-97, South Extension-II

New Delhi – 110049

EMAIL: unuconsultants@gmail.com

MOBILE: 9717988891

Place: New Delhi

Dated: 03.02.2026

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AFFIDAVIT

I, Ramesh Chandra, S/o Late Shiv Dutt Naudiyal, aged about 56 years, Authorised Representative of Respondent No.3 Company having its corporate office at Jindal ITF Centre, 28 Shivaji Mark, Moti Nagar, New Delhi – 110015 do hereby solemnly affirm and declare as under:

1. That I am the Authorised Representative of the Respondent No.3 company and the I am filing ^{Text} the Rejoinder and in such capacity, I am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the Rejoinder, which has been filed under my instruction, I have read and fully understood. The averments therein are true and correct to my personal knowledge and record available with the Company.

BOOK NO. 1
PAGE NO. 34
SERIAL NO. 19/26



[Signature]
DEPONENT

VERIFICATION:
Verified at New Delhi on this 3 day of FEBR 2026, 2026 that the contents of this affidavit are true and correct to my knowledge. No part of it is false nor has anything material been concealed therefrom.

[Signature]
DEPONENT

ATTESTED
BALJIT SINGH
NOTARY DELHI-R-10615
Govt. of India
NEW DELHI

Solemnly Affirmed Sworn Before me
[Signature]
Notary Public New Delhi India

3 FEB 2026

My Commission will expiry on 03-06-2029



Advance Service of rejoinder in I.A. No. 728 of 2025 on behalf of Respondent No. 3 in Appeal No. 62 of 202



UNUC Legal LLP <unuconsultants@gmail.com>
to secy-moef, msdpcc, Shibani

15:35 (0 minutes ago) ☆ 😊 ↶ ⋮

Good afternoon,

Please find attached the rejoinder filed on behalf of Respondent No. 3 M/s Jindal Urban Waste Management (Bawana) Ltd.to the reply filed by the appellant in the Impleadment Application bearing I.A. No. 728 of 2025 in the above captioned matter.

Kind regards,



Delhi	Mumbai	Bhubaneswar	Lucknow	Dubai	Ahmedabad	Hyderabad
P-97, South Extension – II New Delhi - 110049.	501, 5th Floor, Bayvue, New Marine Line East -400002	21(P), Kamla Niwas, Saheed Nagar Bhubaneswar - 751007	E-107, Lawyer Chamber, Allahabad High Court Lucknow-211017	2204, Single Business Tower Sheikh Zayed Road Business Bay, Dubai 500001	B-601/602, Sankaip Iconic Tower, Off- S G Road & Iscon Bopal Ambli Road Sanidhya, Ahmedabad 380058	SBC, Level - 3, Reliance Cyber Ville, Vittal Rao Nagar Madhapur, HITEC City, Hyderabad, Telangana 500081

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