

**IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, FARIDKOT
HOUSE, COPERNICUS MARG, NEW DELHI**

Original Application No. 350 of 2025

(Under Section 14 r/w Section 15 and 16(1) & (2) of The National Green Tribunal Act,
2010)

Dr Sandeep Phahal

...Applicant

Versus

State of Uttar Pradesh &Ors.

....Respondent(s)

INDEX

<u>S.NO.</u>	<u>PARTICULARS</u>	<u>PG NO</u>
1.	Rejoinder on behalf of Applicant to the Counter Affidavit of Respondents	1-3
2.	Proof of Service	4

G. Anand M

Applicant through counsel

Sasane

Advocate Satyabeer Singh

Place: New Delhi

Date: 12.05.2026

Counsel For the Applicant B-18B,
Lower Ground Floor, B-Block, Kalkaji,
New Delhi-110019 Ph: 9927017907



1

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
FARIDKOT HOUSE, COPERNICUS MARG, NEW DELHI
Original Application No. 350 of 2025
(Under Section 14 r/w Section 15 and 16(1) & (2) of The National Green
Tribunal Act, 2010)

Dr Sandeep Pahal

...Applicant

Versus

State of Uttar Pradesh &Ors.

....Respondent(s)

**REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT TO THE
COUNTER AFFIDAVIT OF RESPONDENTS**

I, Dr Sandeep Pahal S/o Sh. Sobir Singh, age about 54 years, R/o 306,
Western Kutcheri Road, Meerut, Uttar Pradesh -250002, E-Mail:
sandeepahal13@gmail.com , Ph: 9837030700, the deponent in the above
mentioned Application do hereby solemnly affirm and declare as under:

1. I say that the steps taken by UPCB (Respondent No 2) is grossly insufficient in the present case.
2. That vide Judgment titled *D.P.C.C. vs Lodhi Property Co. Ltd.* 2025 INSC 923 the Hon'ble Supreme Court has confirmed the authority of State Pollution Control Authority to recover environmental compensation or demand bank guarantees to prevent or remedy environmental harm.
3. That as per the Methodology for Assessing Penalty & Environmental Compensation and Action Plan to Utilize the Fund, the formula for calculating Environmental Compensation is $EC = PI \times N \times R \times S \times LF$. Where, EC is Environmental Compensation in ₹ PI = Pollution Index of industrial sector, N = Number of days of violation took place, R = A factor in Rupees (₹) for EC , S = Factor for scale of operation and LF = Location factor.
4. That the Reply of R-3 dated 24.02.2026 does not indicate that the said formula has been applied and utilized.



G. A. M. S. M.

5. That the Applicant has filed an additional affidavit which clearly demonstrates the state of pollution as on 25.02.2026.
6. That the State Pollution control Board has not taken any steps to utilize the environmental compensation for the restoration of the area.
7. That no internal report has been placed before the Ld. Bench which shows what is the plan of R-3 to restore the area.
8. That the State PCB cannot use the compensation to enrich themselves but have to utilize the same to redress the pollution caused.
9. That Indian environmental law has assimilated the principle of Polluter Pays. State PCB have a compelling duty to undo the environmental damage.
10. That UPPCB's own inspection records that the oil and grease trap was not operational, the collection tank was overflowing, and untreated/partially untreated effluent was being bypassed into Bhud/Islamabad local drain. Samples were also taken from the final outlet and drain. Once UPPCB itself found bypass discharge/overflow and untreated effluent entering a public drain, merely issuing show cause notice or mentioning compensation is insufficient. UPPCB must disclose the actual environmental damage, affected stretch, affected water body/drain, and restoration measures.
11. That the Supreme Court in D.P.C.C. v. Lodhi Property Co. Ltd. held that Pollution Control Boards can impose and collect restitutionary /compensatory damages under Section 33A of the Water Act and Section 31A of the Air Act. The Court distinguished environmental compensation from criminal penalty. UPPCB cannot avoid proper environmental compensation by saying the matter is pending or by treating it like a mere penalty issue. After 2025 INSC 923 Decision, the Board has power to impose compensatory/restorative damages, but it must do so transparently and with reasons.
12. That even if the industry later says ETP is operational or samples are within limits, that does not answer the earlier bypass discharge and overflow recorded by UPPCB. Subsequent compliance may reduce future risk, but it cannot



G. D. M. S. M.

extinguish liability for past environmental damage or the duty to restore the affected drain/ecology.

13. That R-3, also fails to address that how far the polluted effluent travelled, where the drain joins a main water body, effect on groundwater, soil, crops, livestock and nearby residents, water quality of drain upstream and downstream, sludge/contaminant deposition, whether samples were taken from multiple points.
14. That the issue is not merely imposition of a token penalty; the issue is restitution of damaged environment. The compensation without calculation and action without restoration plan, defeats the Polluter Pays Principle and the mandate of Sections 14 and 15 of the NGT Act.
15. That it is respectfully submitted that the reply filed by UPPCB is vague, incomplete and non-speaking. UPPCB has failed to disclose the basis on which environmental compensation has been calculated and has not been placed on record any scientific assessment of damage caused to the local drain, groundwater, soil, ecology or nearby residents. UPPCB has also failed to disclose any restoration/remediation plan. Therefore, this Hon'ble Tribunal may direct UPPCB to file a detailed affidavit with calculation sheet, methodology, damage assessment report and time-bound restoration plan, it may further direct constitution of an independent expert committee for assessment of environmental damage and restoration cost recoverable from Respondent No. 4.

G. Anand M

DEPONENT

VERIFICATION:

Verified at Dadri, Gautam Budh Nagar, Uttar Pradesh on 12-05-2026 that the contents of my above affidavit are true and correct to the best of my knowledge and as per the information received from the official record of the company duly maintained in due course of its business.



ATTESTED

BRIJ PAL SINGH
Advocate Notary
Distt. G.B. Nagar

12 MAY 2026

G. Anand M

DEPONENT

Identified by
Sasemi

SATYABEER SINGH
Advocate

Reg. No. D/209/2014, COP : 2015/88282
B-18B, Lower Ground Floor, Kalkaji
New Delhi, Ph. 9927017907



Satyabeer Singh <sbsinghcounsel@gmail.com>

Service of Rejoinder regarding reply of all Respondents in OA/350/2025, Dr Sandeep Pahal v. State of UP

1 message

Satyabeer Singh <sbsinghcounsel@gmail.com>

Tue, May 12, 2026 at 6:03 PM

To: pradeepmisra@yahoo.com, "anunyamehta@gmail.com" <anunyamehta@gmail.com>, bhanwar09jadon@gmsil.com, pccf-up@nic.in, info@uppcb.in, romuzaffarnagar@uppcb.in, info@trivenigroup.com

Kindly find the the Rejoinder Affidavit in attachment

**Rejoinder Affidavit Sandeep Pahal.pdf**

5018K