BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 148 OF 2025

IN THE MATTER OF:

Rohit Singh .....Applicant

Versus

State of Himachal Pradesh and Ors. ...Respondent

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Rohit Singh
Applicant
96, Basant Vihar,
Near Rakkar Colony, Una,
Himachal Pradesh – 174303
7018013195, katwallegal@gmail.com

Dated: 31.12.2025
New Delhi

NOTARY
Chander Kanta
GOVT. OF H.P. (INDIA)

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REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT IN RESPONSE TO REPLY FILED BY RESPONDENT 2 & 4

MOST RESPECTFULLY SHOWETH:

1. I, Rohit Singh, son of Sh. K.P. Singh, aged about 40 years, resident of 96, Basant Vihar, Near Rakkar Colony, District Una, Himachal Pradesh – 174303, do hereby solemnly affirm and submit this rejoinder in response to the replies filed by Respondent No. 2 and Respondent No. 4 in the present Original Application.

2. That I am the Applicant in the above-captioned matter and am fully conversant with the facts, documents, and circumstances relevant to the present proceedings.

3. That the present rejoinder is filed jointly in response to the replies of both Respondent No. 2 (State of Himachal Pradesh and HPBDPIL) and Respondent No. 4 (Himachal Pradesh State Pollution Control Board), and is confined strictly to new assertions, contradictions, and

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selective disclosures made therein. It does not repeat submissions already placed on record in the Original Application or prior rejoinders.

4. That at the outset, the Applicant categorically denies each and every averment made in the replies of Respondent No. 2 and Respondent No. 4, except those that are matters of record or are specifically admitted herein. No statement shall be deemed admitted for want of specific denial.

5. That the replies filed by the Respondents are marked by selective disclosure, suppression of statutory prohibitions, and misleading presentation of facts. The Respondents rely on narrow interpretations of Para 2 of the EIA Notification, 2006, while omitting material facts such as the pre-EC tenders, pre-EC drilling, pre-EC recharge works, and the statutory bar under the Himachal Pradesh Land Preservation Act (HPLPA). These omissions appear calculated to create an incomplete and distorted factual narrative before this Hon'ble Tribunal.

6. That the Respondents' replies contain glaring internal contradictions — denying any construction or preparatory activity while simultaneously admitting to tenders floated in May 2025, borewell drilling, recharge structures, DPR preparation, and substantial financial commitments to BBMB. These admissions directly undermine their own defence and reveal a deliberate attempt to obscure the true extent of pre-Environmental Clearance project activity. The Applicant respectfully submits that the Respondents' contradictory stand is intended to mislead this Hon'ble Tribunal

regarding the commencement of project activity prior to the grant of Environmental Clearance.

7. That the Applicant submits this rejoinder in good faith and in furtherance of environmental protection, public health, and statutory compliance. The Applicant has no personal or commercial interest and acts solely to assist this Hon'ble Tribunal in arriving at a just and lawful determination.

PRELIMNARY SUBMISSIONS AND OBJECTIONS

1. **Respondents' Own Admissions Establish Pre-EC Activity in Violation of Para 2 of the EIA Notification, 2006:** The Respondents' own replies unequivocally admit that tenders worth ₹979 crore were floated in May 2025, multiple borewells were drilled, recharge structures were constructed with "60% works completed," a Detailed Project Report for a 50 MLD BBMB pipeline was prepared, and substantial seed money was released to BBMB—all before the Environmental Clearance dated 25.09.2025. These are not "administrative steps" but core components of the Bulk Drug Park and constitute "project activity" and "preparation of land" expressly prohibited under Para 2 of the EIA Notification, 2006. By admitting these actions while simultaneously denying commencement of work, the Respondents reveal a deliberate attempt to obscure the true extent of pre-EC activity. Their own disclosures therefore establish that the project commenced illegally prior to EC, rendering the subsequent clearance incapable of curing the statutory violation.
2. **Doctrine of Inseparability: The "Off-Site" Defence is Legally Unsustainable:** The Respondents' contention that the construction of

high-capacity water storage tanks, borewells, and the 50 MLD pipeline does not constitute a violation because these structures are situated "outside" the notified project boundary is a fundamental misinterpretation of environmental law. Paragraph 2 of the EIA Notification, 2006, prohibits any "construction work or preparation of land" on the "project or activity" itself—a definition that encompasses all ancillary and enabling infrastructure essential for the project's operation. These water works are the functional "umbilical cord" of the Bulk Drug Park, designed exclusively to meet its industrial demand; they have no independent utility, purpose, or existence. Such is the inseverable nature of these works that if any single component were removed, the entire project would fail to function or exist. By attempting to "slice" the project into on-site and off-site components to create an illegal fait accompli, the Respondents have relied on a legal fiction to mislead this Hon'ble Tribunal and prejudice the appraisal process with a pre-determined outcome.

3. **Fiscal Pre-Determination: ₹979 Crore Tenders and Financial Commitments Prove the Appraisal Was a Sham:** The Respondents' premature floating of ₹979 crore worth of tenders in May 2025—four months before the Environmental Clearance was granted—demonstrates administrative pre-determination and bad faith. Even if no funds had yet been disbursed, the act of tendering "locked in" the project's technical design, capacities, and layout, thereby freezing the project architecture before the statutory appraisal could evaluate or modify it. Any meaningful change required by the MoEF&CC for environmental safety—whether in CETP technology, water intake, or mitigation measures—would have invalidated the entire tender

package, creating a situation of Economic Coercion where the regulator was pressured to approve a pre-determined design to avoid administrative and fiscal collapse. By using massive fiscal commitments to force an outcome, the State converted a mandatory appraisal into a mere post-facto formality. The grant of the EC on 25.09.2025 during the pendency of this Application further reflects Judicial Impropriety and the creation of a deliberate *fait accompli* to prejudice the scrutiny of this Hon'ble Tribunal.

4. **Respondents' Contradictory Statements Regarding Site Status and the Closure of Sultan Stone Crusher Following Court Notice:** The Respondents' categorical assertion that "no land disturbance" or "mining activity" occurred within the project area stands directly contradicted by independent, drone-verified evidence placed on record. Geo-tagged footage dated **25.06.2025** shows active excavation, exposed earth, and site tampering at coordinates **31.387487, 76.178123** and **31.383828, 76.175724**, both of which fall squarely **inside the Bulk Drug Park boundary** as per the official MoEF&CC KML file. Historical satellite imagery comparing **2022 and 2025** further confirms significant landscape alteration in this zone, including excavation pits and access tracks consistent with cut-and-fill operations.

   Despite this, the Respondents rely on the **Joint Inspection Committee (JIC) Report dated 28.08.2025** to claim that the site was "pristine." This reliance is untenable in light of subsequent events. It is publicly acknowledged that **Sultan Stone Crusher**, the operator active in the very coordinates identified above, was **ordered to be closed after 20.11.2025**. This closure occurred immediately after this

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Hon'ble Tribunal issued notice on **17.11.2025** in **OA No. 561/2025,** which challenged illegal mining activities in the same region. The temporal proximity between the Tribunal's notice and the closure of the crusher raises a serious and reasonable inference that mining activity in the area was under official scrutiny during the same period in which the Respondents were asserting before this Tribunal that "no disturbance" existed at the project site.

If the site was genuinely "untouched" in August, as claimed in the JIC Report, the subsequent closure of a crusher operating at the very coordinates of documented excavation in November is inexplicable. The Respondents' failure to disclose this closure in their Reply, despite its direct bearing on pre-EC land disturbance, constitutes material suppression.

Since the Applicant does not possess the official closure/suspension order—which lies exclusively with the District Administration and the Mining Department—the Applicant respectfully calls upon the Respondents to **place the official Closure/Suspension Order of Sultan Stone Crusher on record**, including the grounds of closure, inspection notes, and GPS-based mapping relied upon by the authorities.

Even without the closure order, the Respondents' blanket denial of land disturbance stands disproven by the drone evidence, satellite imagery, and the subsequent administrative action against the operator active at the same coordinates. These contradictions go to the root of the Respondents' credibility and warrant strict scrutiny by this Hon'ble Tribunal.

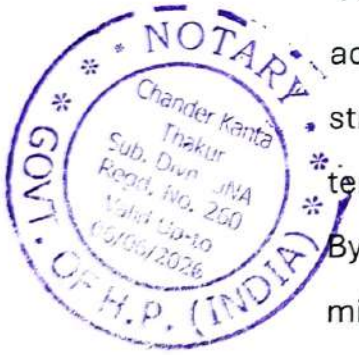
5. **Data Fraud: Misrepresentation of Water Requirement, Suppression of Valley-Critical Status, and Non-Compliant Hydrogeological Assessment:** The Respondents have placed materially misleading and scientifically defective water-related data before this Hon'ble Tribunal. Before this Tribunal, they assert a requirement of only 15 MLD with 5 MLD recycled; however, their own EIA discloses a total demand of 22.1 MLD, of which 7.1 MLD will be recycled and 15 MLD will be sourced directly from groundwater. This selective disclosure — traceable to **para 4, page 1715** of the Respondents' reply — suppresses the full water balance and artificially minimizes the project's hydrological footprint.

The misrepresentation is compounded by the Respondents' unlawful reliance on "static storage" to justify extraction. GEC-2015 (Annexure A/13, page 442) expressly prohibits the use of static aquifer stock for sustainability assessment, mandating reliance on dynamic annual recharge and long-term water level trends. Static storage is a one-time reserve and cannot be treated as a replenishable source. The Respondents' 0.07% extraction claim is therefore scientifically baseless and legally impermissible.

Most critically, the Respondents have suppressed the valley-specific "Critical" groundwater status of the Swan River Basin. The 2013 Ground Water Information Booklet (Annexure A/11, page 369) and the 2020 Aquifer Mapping Report (Annexure A/12, page 392) classify Una Valley and Hum Valley as "Critical," with groundwater development at 108% and 99% respectively, and explicitly state that there is *no scope for further development*. These valley-wise assessments remain binding under GEC-2015.

Instead of disclosing these adverse findings, the Respondents rely on the 2022–2024 Dynamic Ground Water Resources Reports, which unlawfully collapse valley-specific data into district-level averages, thereby misclassifying Una as "Safe." This district-level averaging is contrary to GEC-2015, which mandates aquifer-wise granularity and, in hilly regions, reliance on spring discharge data where monitoring wells are sparse. The omission of valley-wise results and substitution with district-level figures constitutes deliberate suppression of material facts.

The hydrogeological methodology is equally defective. The Respondents rely on only two piezometers and short-duration pumping tests on deep, high-capacity tubewells, contrary to GEC-2015 requirements of a uniformly distributed monitoring network and long-term pre- and post-monsoon data. Recharge ponds worth ₹11.75 crore have been constructed, yet no study quantifies their actual recharge contribution. Spring discharge, surface recharge structures, and traditional water bodies — mandatory proxies in hilly terrain — have been ignored entirely.



By suppressing valley-critical status, relying on static storage, misrepresenting water demand, and presenting a non-compliant hydrogeological assessment, the Respondents have vitiated the appraisal process. The Environmental Clearance dated 25.09.2025 is therefore based on incomplete, distorted, and scientifically invalid data, rendering it unsustainable in law.

6. **Tendering for CETP/TSDF Before Appraisal Shows Fait Accompli and Illegal Segmentation:** The Respondents' own record demonstrates that tenders for the Common Effluent Treatment Plant

(CETP) worth ₹273.49 crore (Annexure R-18) and the Hazardous Waste Management Facility (TSDF) worth ₹52.88 crore (Annexure R-16) were floated months before the Environmental Clearance dated 25.09.2025. As detailed in the rejoinder, these tenders were issued without any influent load study, composite wastewater characterization, hydraulic load assessment, or design-basis document — all of which are mandatory prerequisites under the EIA Notification, 2006 and standard CETP/TSDF design protocols.

Scientifically, a CETP cannot be designed until the "influent load" — the chemical composition, volume, and variability of wastewater from the specific industries to be established — is appraised and finalized by the Expert Appraisal Committee (EAC). By tendering out ZLD-specific technologies and capacities before appraisal, the Respondents presumed the outcome of the scientific assessment and created a financial and technical fait accompli. This mirrors the failures documented in the Baddi–Barotiwala industrial cluster, where generic, pre-designed ZLD systems repeatedly broke down due to brine mismanagement and the absence of industry-specific influent characterization.

The Respondents' attempt to justify these tenders as "administrative steps" is untenable. CETP, TSDF, ZLD systems, and effluent conveyance networks are integral components of the Bulk Drug Park and cannot be segmented or treated as independent works. Tendering these components separately while presenting only the industrial layout for appraisal amounts to illegal segmentation, contrary to the settled principle that all interdependent components must be

appraised together, as reaffirmed in *Lafarge Umiam Mining and Sterlite Industries*.

Further, the Respondents' ZLD claim is technically impossible in the absence of influent characterization, reject-stream quantification, brine-handling design, and energy-water balance modelling. Without these, neither feasibility nor environmental impact can be assessed. The ZLD commitment is therefore a commercially driven specification, not a scientifically validated safeguard.

By floating CETP and TSDF tenders before appraisal — without influent data, without design, and without scrutiny of environmental impacts — the Respondents violated Para 2 of the EIA Notification, 2006 and rendered the appraisal process meaningless. The Environmental Clearance is therefore vitiated by pre-determination, illegal segmentation, and suppression of material facts.

7. **Suppression of Statutory Prohibitions: Deliberate Non-Disclosure of HPLPA Notifications:** The Respondents have deliberately suppressed the statutory status of the project land under the Himachal Pradesh Land Preservation Act (HPLPA), 1978. The project site is situated in "Polian Beet," a region historically characterized by friable Shiwalik formations that are routinely subjected to prohibitory notifications under Section 4 and Section 5 of the HPLPA to prevent soil erosion. These sections expressly prohibit the "breaking of land," hill-cutting, and excavation without specific sanction, making such acts a statutory offence.

Critically, the applicability of HPLPA is determined by Government Notification, not merely by revenue entries (*Jamabandi*). Despite the project involving massive earth-moving and landscape alteration, the

Respondents failed to disclose the status of these notifications in Form-1 of the EIA Application (specifically under *'Legislative & Regulatory Framework'*). By maintaining total silence on HPLPA, the Respondents evaded the mandatory scrutiny regarding slope stability and soil conservation.

This omission is material because if the land is under active notification—as is characteristic of the "Beet" area—the Environmental Clearance could not have been granted without a prior "non-encumbrance" certificate or specific exemption under the Act. By concealing the statutory framework governing "breaking of land," the Respondents have withheld material information necessary for lawful appraisal. The Environmental Clearance is therefore vitiated by the suppression of statutory prohibitions and cannot be sustained in law.

8. **The "National Importance" Argument Cannot Override Environmental Law or the Precautionary Principle:** The Respondents attempt to justify the project's procedural illegalities and environmental risks under the guise of "National Importance" and "Atmanirbhar Bharat." While the Applicant acknowledges the strategic need for API production, settled law establishes that "National Importance" is not a license to bypass statutory environmental mandates, nor does it grant immunity from the Precautionary Principle.

The Respondents' plea of public interest rings hollow when viewed against the existential threat this project poses to the local population. By diverting water from a "Valley-Critical" aquifer to meet a suppressed demand of 22.1 MLD, the project threatens the drinking

water security of thousands of residents in the Una and Hum Valleys. The State, as a trustee of natural resources under the Public Trust Doctrine, cannot legally prioritize industrial expediency over the fundamental Right to Life (Article 21) of its citizens.

Furthermore, the placement of a high-risk bulk drug park involving hazardous chemicals in Seismic Zone IV, coupled with the felling of over 21,000 trees in the fragile Shiwalik hills, constitutes a reckless disregard for the region's carrying capacity. As underscored by recent judicial trends protecting the Aravalli range, the protection of fragile hill ecosystems against "breaking of land" and mining is a paramount constitutional duty that cannot be diluted by administrative expediency.

The Precautionary Principal mandates that where there are threats of serious or irreversible damage (such as aquifer collapse or seismic triggers), lack of full scientific certainty shall not be used as a reason for postponing measures. Here, the Respondents have done the opposite: they have proceeded with tenders and construction despite scientific evidence of water scarcity and seismic risk. The label of "National Importance" cannot cure the fundamental illegality of a project built on suppressed data, violated statutes, and a compromised appraisal process.

9. **Misclassification of Project Category — The "Greenfield Mask" Used to Evade the Violation Protocol:** The Respondents applied for Environmental Clearance by classifying the Bulk Drug Park as a "Greenfield" (New Project), despite the fact that extensive pre-EC activities had already been undertaken at the site. The record reflects multiple actions prior to 25.09.2025 — including drilling of borewells,

construction of recharge structures, floating of tenders for CETP/TSDF and associated infrastructure, and allocation of substantial public funds — all of which constitute "construction" or "preparation of land" within the meaning of Para 2 of the EIA Notification, 2006.

Under Para 2 and the MoEF&CC's Standard Operating Procedure (SOP) for Violation Cases, any project that commences physical or enabling works prior to the grant of EC must be processed as a Violation Case, requiring a distinct appraisal route involving disclosure of violations, damage assessment, remediation planning, and penalty proceedings. The Respondents, however, suppressed the existence of these pre-EC works and sought appraisal under the standard "Greenfield" category, thereby avoiding the mandatory safeguards and scrutiny applicable to violation projects.

The Respondents' subsequent characterisation of these works as "preliminary," "exploratory," or "independent" is irrelevant to the legal requirement. The principle emerging from Vanashakti — that prior appraisal is the rule and any departure from it requires strict regulatory scrutiny, not self-certification by the project proponent — reinforces that the Respondents could not unilaterally determine that their pre-EC actions did not constitute a violation. The determination of project category must be based on objective facts, not on the proponent's declarations.

By masking a violation project as a greenfield project, the Respondents misled the Expert Appraisal Committee, evaded the violation protocol, and deprived the appraisal process of the true factual matrix. The Environmental Clearance, having been granted on

the basis of an incorrect project category and suppressed pre-EC activity, stands vitiated in law.

10. **The Doctrine of Election: Respondents Cannot "Approbate and Reprobate" Regarding Pre-EC Works:** The Respondents' entire defense against the charge of "Commencement of Work" (Violation of Para 2) rests on the plea that the extensive works executed prior to 25.09.2025 — specifically the drilling of borewells, construction of recharge structures, and floating of tenders — were merely "preliminary," "exploratory," or "independent" of the Project's scope. By adopting this defense on affidavit to evade the legal consequences of a violation project, the Respondents have judicially "elected" to treat these works as non-project assets.

The law does not permit a party to "approbate and reprobate" (blow hot and cold) before a court of law. The Respondents cannot claim these works are "independent" of the Project to avoid the violation charge, while simultaneously treating them as "integral" to the Project to facilitate commercial operations.

This creates a definitive legal test for the validity of the Environmental Clearance:

a. If these works ARE part of the Project: Then the Respondents have undeniably violated Para 2 of the EIA Notification, 2006, and the EC is void *ab initio* for commencing construction prior to appraisal.

b. If these works are NOT part of the Project (as claimed): Then the Project has no legal title, right, or basis to utilize this infrastructure. These assets — created with public funds but disowned by the Project to save the EC — must legally remain

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outside the Project's fence and cannot be relied upon to meet the Project's water or effluent treatment requirements.

The Applicant submits that the Respondents' inevitable refusal to decouple these works from the Project confirms that the "independent" defense is a sham. The pre-existence of this critical infrastructure (water and waste handling) proves that the Project had effectively commenced prior to appraisal, rendering the subsequent "Greenfield" clearance fraudulent. The Respondents are therefore put to strict proof: if they maintain these works are unrelated to the Project, they must effectively surrender them; if they insist on utilizing them, they must admit to the violation.

11. **Pattern of Retaliation and Disproportionate Administrative Action Requires Scrutiny:** The Respondents' attempt to portray the Applicant as a "social media influencer" acting for personal gain is factually incorrect and deliberately misleading. The Applicant's modest online presence existed long before this litigation, but his visibility increased only after he placed drone-verified evidence, geo-tagged photographs, and statutory inconsistencies in the public domain. Any subsequent public support arose organically because local residents began to view the Applicant as a credible voice on environmental and civic issues, often approaching him for assistance in resolving community concerns. This support was a consequence of the Applicant's disclosures and his resistance to intimidation, not the motive behind this litigation. What followed these disclosures is deeply concerning: immediately thereafter, the Applicant was subjected to a series of legal and administrative actions, including multiple FIRs, repeated summons to police stations, and a civil suit

containing two separate complaints. The investigation in these matters was conducted with a level of force and intensity wholly disproportionate to the bailable and non-cognizable nature of the allegations. The Applicant was repeatedly interrogated while unwell, taken in a police vehicle accompanied by armed personnel, and subjected to warrantless searches of his home and office in full public view, including after sunset, causing humiliation and trauma to him and his family. The focus of the investigation was reduced to an obsessive "drone recovery" exercise, despite the Applicant having already explained that the drone was hired and despite the matter being sub-judice before this Hon'ble Tribunal. The nature and tone of the police action created an atmosphere where a citizen raising environmental concerns was treated as if he were a threat to the State rather than a whistleblower; indeed, the Applicant became aware of rumors circulating within administrative circles casually branding him a "China agent" and suggesting he should be "sent to Dibrugarh," reflecting the extent to which the response had escalated beyond reason. The situation reached a point where, on the following day, several hundred residents of Haroli gathered outside Police Station Haroli in peaceful protest against the Applicant's detention and the manner of the search, expressing concern over the excessive police response. Only after this public outcry did the intensity of the police action subside. The Applicant notes that during the same period, several individuals publicly flying drones did not face immediate FIRs or comparable action; in their cases, only preliminary inquiries were initiated, whereas in the Applicant's case, FIRs were registered first and the investigative "witch hunt" followed. This selective and

escalated response, contrasted with the Respondents' inaction on similar complaints, raises legitimate concerns about the use of State machinery in a manner that appears intended to deter the Applicant from pursuing environmental disclosures. This pattern is further reflected in the Respondents' advancement of major project-specific tenders before the grant of Environmental Clearance, despite their repeated assertion that "no work" had commenced. Taken together—the retaliatory legal actions, the disproportionate police measures, the selective enforcement, the attempt to trivialize the Applicant's disclosures, the public protest triggered by the police conduct, and the pre-EC tendering—the sequence reflects administrative pressure rather than neutral governance. The Applicant therefore respectfully submits that this Hon'ble Tribunal may consider directing the Respondents to explain, on affidavit, the factual basis, necessity, and proportionality of the police actions undertaken by the Investigating Officer and the Station House Officer, so that the adjudicatory process remains transparent and free from extraneous influence.

PARA-WISE REPLY TO THE PRELIMINARY SUBMISSIONS OF RESPONDENT NO. 2

1. The contents of Preliminary Submission No. 1 are **denied**. The Applicant has already addressed the overarching factual and legal issues in the consolidated Preliminary Submissions, which may be read as part of the present reply and are not being reiterated for the sake of brevity.

It is only submitted, by way of clarification, that the Respondent's reliance on the Joint Inspection Committee Report dated 28.08.2025

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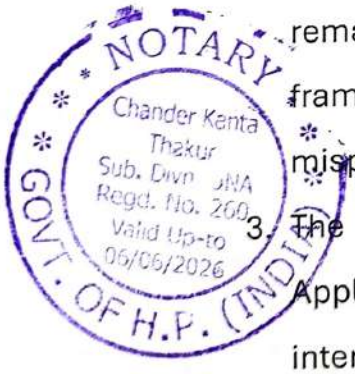
is misplaced. Independent drone-verified material placed on record demonstrates clear land disturbance within the project boundary, and the subsequent closure of the Sultan Stone Crusher at the same coordinates further contradicts the Respondent's assertion that "no construction or developmental activity" had taken place. The omission of these facts amounts to material suppression.

2. The contents of Preliminary Submission No. 2 are denied. The Applicant has already addressed the legal and factual implications of pre-clearance project activity and the applicability of the Vanashakti judgment in the consolidated Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

   It is respectfully submitted that the recall of the Vanashakti judgment by the Hon'ble Supreme Court does not cure the violation of Paragraph 2 of the EIA Notification, 2006, nor does it legalize enabling works undertaken prior to the grant of Environmental Clearance. The prohibition against pre-clearance construction and land preparation remains binding and independent of any retrospective regularization framework. The Respondent's reliance on the recall order is therefore misplaced.



3. The contents of Preliminary Submission No. 3 are denied. The Applicant has already addressed the issue of standing and public interest engagement in the consolidated Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

   It is respectfully submitted that personal characterizations of the Applicant as a "self-styled social media activist" are irrelevant to the

adjudication of statutory violations under the Environment (Protection) Act, 1986 and the EIA Notification, 2006. The Applicant's locus arises from direct geographical proximity, documented environmental risk, and constitutional duties under Articles 21, 48A, and 51A(g). The Respondent's attempt to deflect from the substantive issues by invoking policy rhetoric and personal attacks is misconceived and legally untenable.

4. The contents of Preliminary Submission No. 4 are denied. The Applicant has already addressed the misrepresentation of groundwater status, methodological violations, and suppression of valley-specific "Critical" classification in the consolidated Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

   It is respectfully submitted that the Respondent's reliance on static storage volumes and district-level aggregates is contrary to the binding methodology prescribed under the Groundwater Estimation Committee Guidelines, 2015 (GEC-2015). The omission of aquifer-wise recharge analysis, cumulative drawal modelling, and climate sensitivity renders the assessment scientifically unsound and legally untenable. The CGWB reports of 2011 and 2020, placed on record by the Applicant, classify Una and Hum valleys as "Critical," with no scope for further development. These findings directly contradict the Respondent's claim of groundwater sufficiency.

5. The contents of Preliminary Submission No. 5 are denied. The Applicant has already addressed the deficiencies in the appraisal of the CETP, ZLD system, and hazardous waste infrastructure in the

consolidated Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

It is respectfully submitted that the Respondent has merely reproduced design intent and future compliance assurances without placing on record any influent load projections, brine handling protocols, emissions modelling, or third-party verification. The Environmental Clearance itself defers appraisal of the TSDF to a separate process, rendering the clearance incomplete and procedurally invalid under the EIA Notification, 2006.

6. The contents of Preliminary Submission No. 6 are denied. The Applicant has already addressed the issue of pre-clearance enabling works, including borewell drilling, recharge structures, and seed money allocation for the Satluj lift scheme, in the consolidated Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

   It is respectfully submitted that the Respondent's reference to a "dual-source, multi-stage water strategy" amounts to an admission that substantial infrastructure linked to groundwater abstraction and surface water augmentation was initiated prior to the grant of Environmental Clearance dated 25.09.2025. These actions fall squarely within the scope of "preparation of land" under Paragraph 2 of the EIA Notification, 2006 and cannot be retrospectively regularized. The DPR, recharge works, and associated tenders are integral to the project and constitute procedural violation.

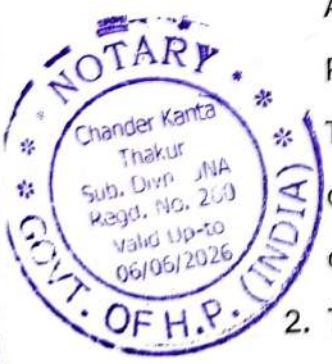
7. The contents of Preliminary Submission No. 7 are denied. The Applicant has already addressed the issue of forest classification, tree felling, and wildlife impacts in the consolidated Preliminary

Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

It is respectfully submitted that the Respondent's assertion that the project area lies entirely on non-forest land is contradicted by the suppression of HPLPA status in the Environmental Clearance record. The Himachal Pradesh Land Preservation Act, 1978 applies to notified forest areas irrespective of revenue classification, and its omission constitutes material non-disclosure. Further, the tree enumeration figures — 21,702 trees in Phase I and only 144 in Phase II — are internally inconsistent and undermine the credibility of the appraisal. The Wildlife Conservation Plan was merely "forwarded" without prior approval, and no physical buffer or corridor mapping has been disclosed. These omissions violate the Godavarman principle and Section 29 of the Wildlife Protection Act, 1972, which prohibit any activity in forest land or habitat zones without prior statutory sanction.

PARA-WISE REPLY TO THE REPLY ON MERITS FILED BY RESPONDENT NO. 2

1. The contents of Para 1 are denied. The maintainability of the Original Application has already been addressed in the consolidated Preliminary Submissions and is not reiterated for the sake of brevity. The issuance of notice and filing of replies by all Respondents confirms that the matter is within jurisdiction and merits adjudication on substantive grounds.
2. The contents of Para 2 are denied. The Applicant has already addressed the issue of pre-clearance project activity and the applicability of the Vanashakti judgment in the consolidated



Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

It is respectfully submitted that the Respondent's argument is internally contradictory. While claiming that no work commenced prior to Environmental Clearance, the Respondent simultaneously invokes the recall of the Vanashakti judgment to suggest that retrospective regularization would be permissible even if activity had occurred. This position is untenable, as the project was filed and appraised as a greenfield undertaking, which requires a pristine site and prohibits any enabling works prior to clearance.

The recall of Vanashakti does not override the mandatory requirement under Paragraph 2 of the EIA Notification, 2006, which prohibits any construction or preparation of land prior to grant of clearance. The Respondent's reliance on retrospective regularization is therefore misplaced and legally irrelevant to a greenfield application.

3. The contents of Para 3 are denied. The Applicant has already placed on record drone-verified footage, satellite imagery (2022–2025), and geotagged coordinates showing active excavation and presence of JCBs within the notified Bulk Drug Park boundary. These facts are addressed in detail in the consolidated Preliminary Submissions and in the separate Interlocutory Application filed for perjury and suppression of material facts.

It is respectfully submitted that while the Sultan Stone Crusher may lie marginally outside the boundary, the illegal mining and land disturbance occurred *within* the project coordinates as per the official MoEF&CC KML file. The Respondent's blanket denial, without addressing the visual record or the closure order issued post-notice in

OA No. 561/2025, amounts to deliberate suppression. The attempt to deflect responsibility by claiming lack of jurisdiction over its own project land is untenable and warrants adjudication under the perjury IA.

4. The The contents of Para 4 are denied. The Applicant has already addressed the issue of pre-clearance enabling works, including drilling of high-capacity borewells and construction of associated storage infrastructure, in the consolidated Preliminary Submissions, which may be read as part of the present reply and are not reiterated for the sake of brevity.

It is respectfully submitted that the Respondent has mischaracterized the Applicant's case. The Applicant has never alleged that the twelve tubewells were "operationalized." The allegation pertains solely to drilling and completion of bore structures, which the District Administration itself publicly stated were 85–90% complete prior to the grant of Environmental Clearance. This figure relates only to borewell and storage-tank works, not to the overall project. The Respondent's attempt to recast this as a "misinterpretation" is incorrect and amounts to factual distortion.

The Respondent has further suppressed the actual water requirement of the project. The EIA Report records a total demand of 22.1 MLD, which is reduced to 15 MLD only after assuming 7.1 MLD of recycled water. Selectively citing the reduced figure without disclosing the full demand constitutes material misdirection.

The Respondent's submissions are also internally contradictory. At one place, it asserts that a Detailed Project Report (DPR) for the Satluj lift scheme has been prepared and submitted. At another, it states

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that seed money has already been sanctioned, implying financial approval and initiation of execution. These inconsistencies confirm that substantial enabling works were undertaken prior to the grant of Environmental Clearance, in violation of Paragraph 2 of the EIA Notification, 2006.

The issue of pre-EC enabling works is also the subject of a separate Interlocutory Application filed by the Applicant, and the present denial does not cure the underlying procedural violation.

5. The contents of Para 5 are denied in toto. The Applicant has already addressed the issue of pre-clearance activity, procedural violations, and contemporaneous knowledge in the consolidated Preliminary Submissions and in the separate Interlocutory Application filed for perjury and enabling works. The present denial is repetitive and does not cure the underlying breach of Paragraph 2 of the EIA Notification, 2006.

6. The contents of Para 6 are denied. The allegations regarding the Applicant's bona fides and the justification of the FIR and civil suit are irrelevant to the present proceedings and have already been addressed in the consolidated Preliminary Submissions. These issues are also the subject of a separate Interlocutory Application and are not reiterated here.

It is respectfully submitted that raising questions regarding environmental compliance and informing the public of statutory requirements cannot, by any stretch, be construed as obstruction of a project. Whether the project adheres to the Environment (Protection) Act, 1986 and the EIA Notification, 2006 is a matter for this Hon'ble Tribunal to determine, not the Respondent.

It is further submitted that the FIR and civil suit—ostensibly concerning the Bulk Drug Park—have repeatedly been diverted into drone-search inquiries and unrelated surveillance actions. This procedural deviation requires explanation, and the SHO and Investigating Officer may be summoned to clarify the scope and basis of such actions.

7. The contents of Para 7 are denied. The Applicant has already placed on record verified tenders, geo-tagged photographs, drone footage, and statutory inconsistencies that establish a clear nexus between pre-clearance enabling works and coordinated departmental action. These materials are part of the consolidated Preliminary Submissions and are not reiterated for the sake of brevity.

It is respectfully submitted that the Respondents' portrayal of the Applicant as a "self-styled whistleblower" acting for personal gain is factually incorrect and irrelevant to the adjudication of statutory compliance. The Applicant's visibility increased only after placing verified disclosures in the public domain, and any public support arose organically in response to disproportionate retaliation.

The sequence of FIRs, warrantless searches, and civil proceedings — all initiated shortly after the disclosures — reflects a pattern of escalation inconsistent with the nature of the allegations. The investigation was reduced to an obsessive "drone recovery" exercise, despite the matter being sub judice and the drone having been hired. The Respondents' inaction on similar complaints involving other individuals confirms selective enforcement.

This pattern is further reflected in the advancement of major project-specific tenders prior to the grant of Environmental Clearance, despite

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repeated assertions that "no work" had commenced. Taken together, the retaliatory legal actions, disproportionate police measures, and selective enforcement raise legitimate concerns about procedural abuse.

The Applicant therefore respectfully submits that this Hon'ble Tribunal may consider directing a limited fact-finding enquiry into the sequence, proportionality, and administrative coordination of the actions undertaken by the Respondents, so that the adjudicatory process remains transparent and free from extraneous influence.

8. The contents of Para 8 are denied. The Applicant has already clarified that the reference to OA 646/2023 was made solely to highlight patterns of regulatory failure and procedural lapses in similar infrastructure projects. The factual circumstances of that matter were cited to demonstrate systemic risk, not to personally target any officer. It is respectfully submitted that the officer's service record is not under adjudication before this Hon'ble Tribunal. The Applicant does not seek any personal relief against the officer and has made no allegations beyond what is already reflected in the public record. It may be noted, without prejudice, that the officer was chargesheeted by the Central Bureau of Investigation (CBI), and that the matter did not proceed further due to the State Government's refusal to grant sanction on two separate occasions. These facts are publicly available and were cited only to contextualize institutional oversight. The Respondents' attempt to recast institutional scrutiny as personal harassment is misplaced and does not address the substantive environmental concerns raised in the present matter.

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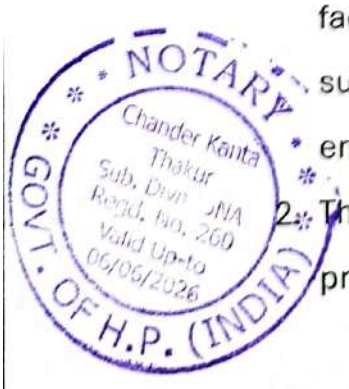
REPLY TO THE PRAYER OF RESPONDENT NO. 2

The Applicant respectfully submits that the prayer for dismissal is premature and unsupported by the record. The Interim Application is grounded in verified tenders, drone footage, geo-tagged photographs, and statutory inconsistencies that raise legitimate concerns under the Environment (Protection) Act, 1986 and the EIA Notification, 2006. The Respondents' assertion that no construction activity occurred prior to Environmental Clearance is contradicted by documented enabling works and departmental coordination. Whether procedural compliance has occurred is a matter for this Hon'ble Tribunal to determine, not for the Respondents to pre-emptively declare. The retaliatory legal actions, disproportionate police measures, selective enforcement, and advancement of pre-EC tenders collectively reflect administrative pressure rather than neutral governance. The Applicant therefore prays that this Hon'ble Tribunal may consider directing the Respondents to file a factual affidavit explaining the necessity, proportionality, and coordination of police actions, summon the Investigating Officer and Station House Officer for clarification, and pass such other orders as may be necessary to ensure transparency and protect the integrity of the adjudicatory process.

PARA-WISE REPLY TO THE REPLY OF RESPONDENT NO. 4

1. The contents of Para 1 are noted insofar as they refer to procedural facts. However, the Applicant denies that no reply is warranted and submits that the issues raised in the IA require substantive engagement from the Respondent Board.
2. The contents of Para 2 are denied insofar as they seek to treat the present Interlocutory Application as subsumed within the main



matter. The Applicant respectfully submits that the IA raises distinct and urgent issues—specifically the Respondents' attempt to utilize infrastructure they have disowned on affidavit to evade violation proceedings. These issues require independent adjudication and cannot be brushed aside by referring to the reply in OA 148/2025. The Respondent Board's failure to act on visible pre-EC enabling works and its reliance on a post-facto inspection dated 30.09.2025—five days after the EC was granted—does not address the core issue of whether construction commenced prior to appraisal. The Applicant therefore submits that the IA warrants a separate and substantive reply.

3. The contents of Para 3 are denied. The Applicant has placed on record drone-verified footage, satellite imagery, and geo-tagged coordinates showing active excavation and exposed earth within the project boundary prior to the grant of Environmental Clearance. These visuals are corroborated by the subsequent closure of Sultan Stone Crusher, located at the same coordinates, following judicial scrutiny. The Respondent Board's claim that "no illegal mining or excavation activities were observed" is factually incorrect and contradicted by both physical evidence and administrative action. The Applicant submits that the violations were visible, documented, and actionable, and the Respondent Board's failure to acknowledge them raises serious concerns about regulatory oversight.
4. The contents of Para 4 are denied. The Applicant submits that while extraction permissions fall under the Jal Shakti Vibhag and Ground Water Authority, the Respondent Board is statutorily responsible for verifying environmental impacts arising from such extraction. The

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issues raised in the IA—relating to groundwater misrepresentation and valley-critical suppression—have already been addressed in the previous rejoinder and are not repeated here. The Respondent Board's attempt to disclaim oversight is untenable.

5. The contents of Para 5 are denied. The Applicant submits that the Respondent Board's claim that the issue "does not pertain" to it is untenable. The Board's acceptance of presence of one of the respondent at the press conference—where pre-EC infrastructure was publicly showcased as part of the Bulk Drug Park—confirms its knowledge and tacit endorsement of works executed prior to Environmental Clearance. The Board cannot now disclaim responsibility for monitoring or verifying the legality of these works. The fact that tenders were floated and infrastructure was presented as part of the project prior to EC constitutes a silent admission of commencement. The Respondent Board's failure to object or initiate action at that stage reflects regulatory acquiescence, not procedural neutrality.
6. The contents of Para 6 are noted as matters of record. The Applicant does not seek any personal relief in respect of the civil suit and has already addressed the broader context of retaliatory action in the consolidated rejoinder.
7. The contents of Para 7 are noted. The Applicant's complaint to the SHO Haroli is a matter of record and has already been addressed in the rejoinder under the broader pattern of administrative escalation. No further reply is warranted.
8. The contents of Para 8 are denied. The Applicant submits that the pendency of OA No. 646/2023 is immaterial to the adjudication of the

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present IA, which raises distinct and verified violations specific to the Bulk Drug Park. The Respondent Board's assertion that allegations of environmental law violations are "premature and misconceived" is untenable, given that the Environmental Clearance was granted during the pendency of OA 148/2025 and despite the existence of pre-EC tenders, enabling works, and land disturbance. The Applicant has placed on record drone-verified evidence, statutory contradictions, and administrative actions that warrant immediate scrutiny. The Respondent Board's attempt to dismiss these concerns as premature reflects a disregard for the precautionary principle and the Tribunal's mandate to prevent fait accompli.

PARA-WISE REPLY TO THE GROUNDS OF RESPONDENT NO. 4

1. The contents of Ground A are denied. The Applicant submits that the Respondent Board's assertion that it "has not observed violations" under the Water Act, Air Act, or EP Act is untenable. The Board's failure to detect or act upon visible land disturbance, pre-EC borewell drilling, and recharge structures—despite drone-verified evidence and subsequent administrative closure of Sultan Stone Crusher—reflects a lapse in statutory oversight. The absence of action does not negate the existence of violations; it merely underscores regulatory inaction.
2. The contents of Ground B are denied. The Respondent Board's reliance on a post-EC inspection dated 30.09.2025 does not rebut the documented pre-EC activity. The Environmental Clearance was granted on 25.09.2025, and the inspection occurred five days later. The Board's failure to detect or report enabling works prior to EC—

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despite their presence at the press conference and knowledge of pre-EC tenders—amounts to tacit endorsement and cannot be used to dismiss the Applicant's verified evidence.

3. The contents of Ground C are denied. The Applicant submits that while the Mining Department may be the primary authority on illegal mining, the Respondent Board is statutorily obligated to report and act upon environmental violations arising from land disturbance, excavation, and dust emissions. The Board's blanket denial—despite drone footage and the closure of a crusher at the same coordinates—reflects a failure of inter-agency coordination and environmental vigilance.
4. The contents of Ground D are denied. The Applicant submits that while extraction permissions fall under the Jal Shakti Vibhag and Ground Water Authority, the Respondent Board is responsible for verifying environmental impacts arising from such extraction. The Board's silence on the suppression of valley-critical status, reliance on static storage, and misrepresentation of water demand—issues already raised in the rejoinder—cannot be excused by jurisdictional deflection.
5. The contents of Ground E are denied. The Applicant submits that the Respondent Board's presence at the press conference and its awareness of pre-EC tenders for CETP and TSDF—both integral to pollution control—places it squarely within the ambit of regulatory responsibility. The Board cannot now disclaim oversight of infrastructure that directly affects effluent treatment, water quality, and environmental safeguards.

6. The contents of Ground F are denied. The Applicant submits that the Respondent Board's mandate includes ensuring compliance with environmental statutes and preventing procedural violations. The Board's failure to act on pre-EC enabling works, despite their direct bearing on pollution control infrastructure, reflects disregard for the legal process and undermines the integrity of environmental appraisal.
7. The contents of Ground G are denied. The Applicant submits that the Respondent Board's attempt to disclaim responsibility for pre-EC infrastructure—despite its statutory role in pollution control and its presence at public events showcasing the same—cannot be sustained. The Board's silence on the integration of disowned assets into the project raises serious concerns about regulatory complicity.
8. The contents of Grounds H–I are denied. The Applicant submits that the Respondent Board's general denial does not address the specific contradictions, omissions, and selective disclosures identified in the rejoinder. The Board's failure to engage with the factual matrix placed on record reflects a lack of substantive rebuttal.

REPLY TO THE PRAYER OF RESPONDENT NO. 4

The prayer paragraph is denied. The Applicant submits that the Interlocutory Application raises verified and urgent concerns regarding the Respondents' attempt to utilize infrastructure they have disowned on affidavit to evade violation proceedings. The Respondent Board's presence at the press conference, its failure to act on visible pre-EC works, and its silence on the closure of Sultan Stone Crusher—all point to regulatory acquiescence. The

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IA seeks interim restraint to prevent irreversible integration of assets whose legality is in serious doubt. The Applicant therefore prays that the IA not be disposed of qua the Respondent Board, and that this Hon'ble Tribunal may pass appropriate directions to ensure transparency, accountability, and preservation of the subject matter of the litigation.

DEPONENT

VERIFICATION:

I, Rohit Singh, Aged about 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, Himachal Pradesh, do hereby verify that the contents of this application as stated are true and correct to the best of my knowledge and belief and no part of it has is false and nothing material has been concealed there from.

31.12.2025
New Delhi

DEPONENT

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rtified that this..... Rohit Singh
is presented for exesstation by Sh.....
S/o. Sh. K.P. Singh ...residens
of village Basant Vihar District
and who is identified by Sh. .....
or who is known to me and is enteres
at serial..... Rakkar Colony ..... at
rime..... 31-12-2025

ATTESTED
NOTARY

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

IA NO. OF ORIGINAL APPLICATION NO 148 OF 2025

IN THE MATTER OF:

Rohit Singh and Ors. ... Applicant

Versus

State of Himachal Pradesh and Ors. ...Respondent

AFFIDAVIT

I, Rohit Singh, aged 40 years, S/O Sh. K.P. Singh, 96 Basant Vihar, Near Rakkar Colony, Una, HP-174303 do hereby solemnly affirm and states as below:

1. That the deponent is applicant in the above-mentioned matter and as such he is well conversant with the facts and circumstances of the present case.
2. That the deponent has gone through the contents of the accompanying rejoinder. The same has been drafted as per my instructions. The contents of the same are true and correct to the best of my knowledge and nothing material has been concealed there from.
3. That the annexure annexed to the accompanying rejoinder are true copy of their respective original.

DEPONENT

I, the deponent named do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge derived from the records and nothing relevant has been concealed there from.

DEPONENT

Dated: 31.12.2025

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ATTESTED NOTARY