

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

**Miscellaneous Application No. 5/2025**

**In**

**Original Application No. 280/2024**

**In the matter of:**

Ajay Arya & Ors.

... Applicants

Versus

State of Uttar Pradesh & Ors.

... Respondents

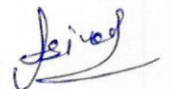
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**N.D.O.H: 10.07.2025**

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**RESPONDENT**

THROUGH



**COUNSEL**

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(Advocate)

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Date - 10/07/25

Place - New Delhi

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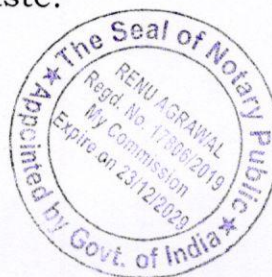
**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6.**

**MOST RESPECTFULLY SHOWETH:**

I, Jaiveer, duly authorised signatory of M/s Balaji fabrication, having office at SD-96, Jaipuria Sunrise Plaza, Indirapuram, Ghaziabad, do hereby solemnly affirm and state as under:

**Presently at New Delhi**

1. That I am the authorised representative of Respondent No. 6 in the present matter and I am well conversant with the facts of the case, hence competent to swear this affidavit.
2. That M/s Balaji Fabrication is engaged in the business of metal fabrication, operating from the abovementioned premises. The nature of activities is entirely non-polluting and involves no discharge of water, air, or hazardous waste.



3. That as per the Central Pollution Control Board (CPCB) guidelines dated 07.03.2016, the business of deponent clearly falls under the "White Category", which denotes minimal to no pollution load and thereby does not require Consent to Operate under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.
4. That this fact has been duly acknowledged by the Uttar Pradesh Pollution Control Board (UPPCB) in its report dated 11.01.2025, filed before this Hon'ble Tribunal, where it has been categorically mentioned that the operations of Respondents Advertising are not causing any pollution of air, water, or noise.
5. That a Joint Committee comprising officials from the District Magistrate Office, Ghaziabad and the UPPCB, inspected the premises on directions of this Hon'ble Tribunal. The Committee found the following:
  - a. No evidence of water or air pollution.
  - b. The activity was confined to printing and framework, which is inherently non-polluting.
  - c. There was no fabrication, industrial production, or any activity causing effluent or emissions.



6. That as per the report submitted by the Uttar Pradesh Pollution Control Board (UPPCB) dated 11.01.2025, there is no violation of prescribed environmental norms by Respondent Advertising, including with respect to noise pollution. The report explicitly states that the operations of the unit fall under the "White Category" as per the CPCB classification dated 07.03.2016, which signifies activities with negligible pollution potential. During inspection, no noise emissions exceeding the permissible limits were observed or recorded, and the functioning of the unit was found to be compliant with the applicable Noise Pollution (Regulation and Control) Rules, 2000. Therefore, the allegations regarding noise pollution are unfounded and not supported by any factual observation in the said report.
7. That the business activities carried out by the deponent, Respondent Advertising, involve only flex printing and framework, which are entirely non-polluting in nature, as confirmed by the inspection conducted by the Joint Committee and the findings of the Uttar Pradesh Pollution Control Board (UPPCB) in its report dated 11.01.2025. The report clearly states that no effluent discharge or air emissions were found during



the site visit, and the unit's operations fall under the White Category as per the CPCB classification indicating minimal or negligible pollution load. Accordingly, there is no water or air pollution generated by the deponent's business, and the unit operates fully within the norms prescribed under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

8. That the said findings were submitted in the Joint Committee Report filed via email dated 10.07.2024 and referred to in the order dated 13.01.2025.
9. That based on the aforementioned inspections and reports, no violation of any environmental norms be it air, water, or noise pollution has been attributed to our operations. The work is limited to office hours, does not involve any machinery emitting sound or pollutants, and conforms strictly with guidelines laid down under relevant environmental laws.
10. That the premises occupied by Respondent Advertising is a shop located in a commercial complex Jaipuria Sunrise Plaza and has been under commercial tenancy since 2017. The shop is located in a complex along with other shops around it The operations carried out are commercial in nature and not industrial, hence



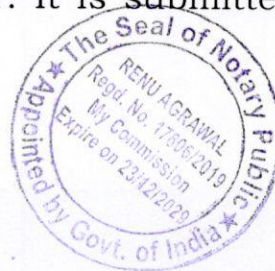
fully permissible under applicable zoning regulations, subject to final clarification, if any, from Ghaziabad Development Authority (GDA).

11. That this Hon'ble Tribunal has directed GDA to clarify the permissibility of commercial activity in this zone. We undertake to abide by any directions or restrictions, if any, issued by GDA pursuant to their zoning regulations. However, no adverse findings or orders have yet been issued by GDA regarding the legality of our occupation or activities.

12. That the Respondent No. 6 undertakes to:

- a. Fully cooperate with any regulatory authority or this Hon'ble Tribunal;
- b. Take corrective steps, if and when directed by any competent authority;
- c. Continue operating in a non-polluting, eco-conscious manner in line with CPCB and UPPCB norms.

13. That without admitting any liability, the answering respondent respectfully submits that it remains willing to comply with any reasonable directions issued by this Hon'ble Tribunal and reiterates its commitment to operate in a fully compliant and pollution-free manner. It is submitted that



the activity in question does not fall under the definition of “industry” and should not attract any adverse consequences under environmental laws.

14. That even the Order dated 23.04.2025 passed by the Hon’ble Tribunal does not contain any adverse direction against Balaji Fabrication. On the contrary, paragraph 6 of the said order clearly reflects that the matter is still pending consideration and that even the reply of Respondent No. 2 (Ghaziabad Development Authority) is awaited. Hence, no inference of non-compliance or illegality can be drawn against Balaji fabrication at this stage.
15. That the mere existence of a local workshop or fabrication setup for limited structural components cannot be treated at par with a full-fledged industrial unit necessitating environmental clearance under the EIA Notification or the Water/Air Act. The fabrication activity is confined to localized work and does not cause any air, water, or noise pollution or public nuisance.
16. That even in the affidavit dated 22.04.2025 submitted by the District Magistrate before the Hon’ble Tribunal in M.A. No. 5/2025 in O.A. No. 280/2024, no specific non-



compliance or violation has been attributed to Balaji Fabrication. There is no adverse finding against the said unit in the said affidavit or in any response filed by the Respondent Authorities.

17. That as per the Uttar Pradesh Pollution Control Board (UPPCB) inspection report dated 11.01.2025, no significant violation or hazardous industrial activity was observed during inspection. The said report does not mention any emissions, effluent discharge, or activities falling under Schedule I or Schedule II of environmentally hazardous processes, thus affirming the non-polluting nature of the unit.

18. That without prejudice to the submissions already made hereinabove, the answering respondent also submits that the unit operated by Balaji Fabrication does not fall under the category of "industry" as defined under the applicable environmental regulations and labour laws, including the Factories Act, the Industrial Disputes Act, and the Industrial Policy of U.P. It is a small-scale fabrication unit engaged only in minor mechanical fabrication and does not involve any heavy industrial or environmentally hazardous operations.



19. That in light of the above, it is most respectfully submitted that Respondent No. 6 has not violated any environmental norm and is in full compliance with all applicable regulations. The application filed against the Respondent is misconceived and liable to be dismissed insofar as Respondent No. 6 is concerned.
20. The Respondent is engaged in a very small-scale business, which serves as the sole source of livelihood for him and his entire family. The income generated from this modest business enterprise is not only limited but also essential for meeting the daily needs and basic sustenance of all the family members. The Respondent has no other independent means of income, and the entire household is wholly dependent on the earnings derived from this small business for their survival, maintenance, and day-to-day expenses. Any disruption or adverse action against this business would severely impact the financial stability and well-being of the entire family.



**PRAYER**

**In view of the foregoing facts and submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:**

1. Dismiss the Original Application No. 280/2024, as against Respondent No. 6, being devoid of any merit and not supported by any adverse material on record;
2. Hold and declare that the operations of Respondent No. 6 fall under the 'White Category' as per CPCB guidelines dated 07.03.2016 and hence, do not require Consent to Operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981;
3. Take on record and accept the Joint Committee Inspection Report dated 11.01.2025 submitted by the Uttar Pradesh Pollution Control Board, which clearly states that Respondent No. 6's activities are non-polluting and compliant with all environmental norms;
4. Grant liberty to Respondent No. 6 to continue its existing operations in a lawful, compliant, and eco-conscious manner, subject to future directions, if any, from competent regulatory authorities;



*[Handwritten Signature]*

**DEPONENT**



**VERIFICATION**

I, the deponent above named, do hereby verify that the contents of this affidavit are true and correct to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

**10 JUL 2025**

Verified at Delhi on this \_\_\_ day of July, 2025.

*[Handwritten Signature]*

**DEPONENT**

*[Handwritten Signature]*  
HP/3563/2022

**I identified the deponent who  
has signed in my presence**

**ATTESTED**  
*[Handwritten Signature]*  
**NOTARY PUBLIC  
(INDIA)**  
**10 JUL 2025**