

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI**

**ORIGINAL APPLICATION NO. 326 OF 2024**

**IN THE MATTER OF:**

**JOGINDRA KUMAR**

**...APPLICANT**

**VERSUS**

**STATE OF UTTAR PRADESH & ORS.**

**...RESPONDENTS**

**NDOH: 14.04.2026**

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DATE: 12.04.2026

PLACE: NEW DELHI

FILED THROUGH



**RUCHIR RANJAN RAI**

Counsel For Respondent No. 4

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New Delhi – 110024

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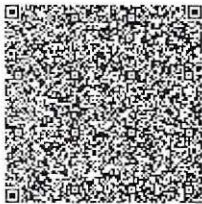
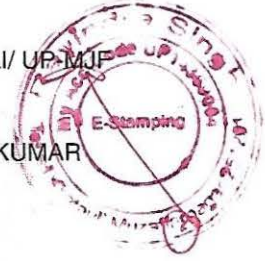
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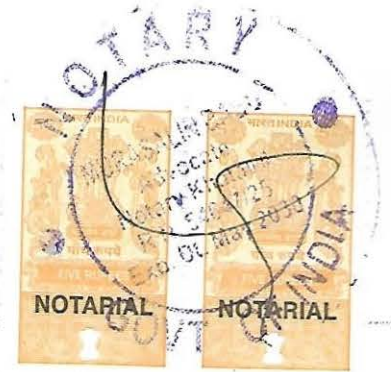
Government of Uttar Pradesh

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Certificate No. : IN-UP00783303841086Y  
 Certificate Issued Date : 09-Apr-2026 03:39 PM  
 Account Reference : NEWIMPACC (SV)/ up14369004/ KHATAULI/ UP-MJF  
 Unique Doc. Reference : SUBIN-UPUP1436900496723815873697Y  
 Purchased by : DR ASHOK KUMAR SO SHRI RAJENDRA KUMAR  
 Description of Document : Article 4 Affidavit  
 Property Description : Not Applicable  
 Consideration Price (Rs.) :  
 First Party : DR ASHOK KUMAR SO SHRI RAJENDRA KUMAR  
 Second Party : Not Applicable  
 Stamp Duty Paid By : DR ASHOK KUMAR SO SHRI RAJENDRA KUMAR  
 Stamp Duty Amount(Rs.) : 10  
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Dr. Ashok Kumar & Shri Rajendra Kumar  
 have Satisfied that the deponent  
 has understood the content of his affidavit  
 which have been explained him/ her  
 the Rs. Ten

09/04/26

Murasalin Babu  
 Advocate  
 Notary (Govt Of India)

Deponent

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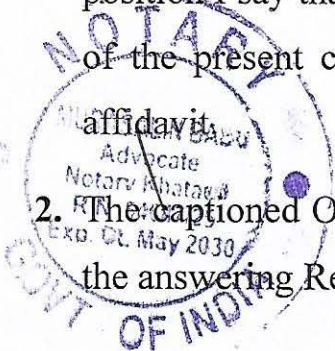
STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4  
TO THE OBJECTIONS/RESPONSE FILED BY THE  
APPLICANT DATED 12.01.2026**

I, Dr. Ashok Kumar, S/o Shri Rajendra Kumar, aged about 61 years, working as Vice-President (Sugar), M/s. Triveni Engineering and Industries Limited, Khatauli, Muzaffarnagar, Uttar Pradesh, Respondent No. 4 herein, do hereby solemnly affirm and swear as under:

1. That I am the authorised representative of Respondent No. 4 in the present Original Application, having been duly authorised *vide* Board Resolution dated 16.07.2014. I say that I am currently working as Unit Head of the Respondent No. 4 Company for its Sugar Unit at Khatauli, Muzaffarnagar and being in the said position I say that I am well aware of the facts and circumstances of the present case, hence am competent to swear the present affidavit.
2. The captioned O.A. has been filed by the Applicant alleging that the answering Respondent has been illegally dumping Fly Ash on



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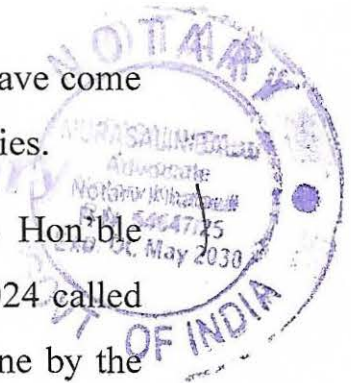
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the side of road where people including the Applicant have come into contact with the same and have sustained burn injuries.

3. As a result of these allegations being levelled, this Hon'ble Tribunal *vide* its Orders dated 22.03.2024 and 22.05.2024 called for reports by two separate entities / committee, i.e., one by the UPPCB and the other by the Joint Committee constituted by this Hon'ble Tribunal. Notably both of the these Reports dated 17.05.2024 by the UPPCB and 16.12.2024 by the Joint Committee categorically recorded a finding that the answering Respondent (a) was maintaining proper record of the fly ash generated at the Sugar Unit in question, which was thereafter properly disposed in terms of the agreements with farmers and (b) the answering Respondent cannot be linked with the incidents as alleged by the Applicant in the absence of any evidence which may support the allegation of the Applicant.

4. The Applicant upon finding that observations and findings in none of the reports, respectively of UPPCB and Joint Committee, supported his allegations, has filed another set of Submissions on 12.01.2026 in form of his response or objections to the said reports, which are under reply. A bare perusal of these fresh submissions from Applicant would reveal that they have been filed with a particular motive to anyhow mislead this Hon'ble Tribunal in returning a finding against the answering Respondent and so that Applicant may plead the Hon'ble Tribunal to award consequential monetary reliefs to the Applicant.

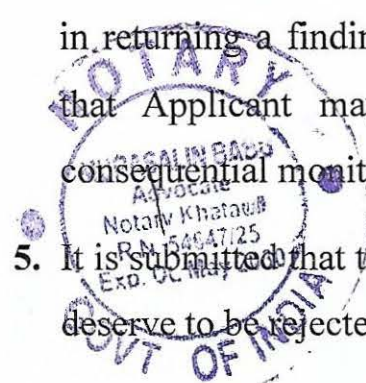
5. It is submitted that the Submissions under reply at the very outset deserve to be rejected for being blatantly misleading and false and



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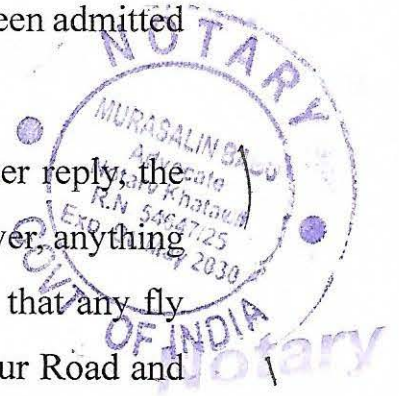
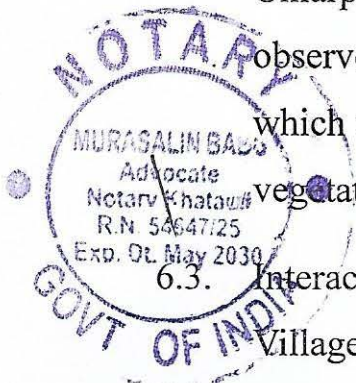
nothing contained therein should be deemed to have been admitted for want of specific denial or non-traverse.

6. That in reply to paragraph 1 of the Submissions under reply, the contents being matters of record need no reply. However, anything contrary to record is denied. It is specifically denied that any fly ash was dumped on the roadside at Khatauli–Miranpur Road and Jansath–Flawda Road, District Muzaffarnagar. This fact is even confirmed by the Report dated 16.12.2024 submitted by the Joint Committee, which conducted an extensive inspection not only of the sites referred to by the Applicant but also of the surrounding areas of the Unit and the location where the incident causing burn injuries to individuals are alleged by Applicant to have taken place (i.e., the area between Village Ladpur and Village Umarpur Lisora) (see Table 1, running pgs. 95 to 96). The Joint Committee recorded the following findings:

6.1. No fly ash was found dumped along the Khatauli–Miranpur Road, contrary to the Applicant's allegation that fly ash was being illegally dumped on both sides of this road by the Unit of answering Respondent.

6.2. The Jansath–Flawda Road and adjoining agricultural lands, including the areas around Villages Ladpur and Umarpur Lisora, were inspected and it was clearly observed that no fly ash was visible at the said sites, which were in fact covered with green grass and natural vegetation.

6.3. Interaction with the present and former Gram Pradhan of Village Ladpur revealed that the Gram Panchayat had earlier used fly ash and other inert materials such as



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construction and demolition waste for the purpose of filling potholes during the levelling of the Khatauli Jansath Road. This material was not freshly dumped nor in violation of any regulations.

6.4. The Committee also verified the GPS coordinates shared by the Applicant and extended its inspection to the surrounding areas but found no evidence of illegal fly ash dumping as alleged. Hence, the allegations levelled by the Applicant are frivolous, baseless, and devoid of any merit.

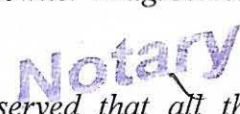
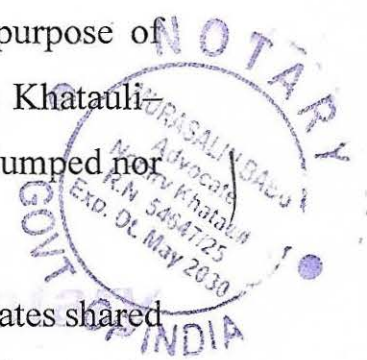
7. In the contents of paragraph 2 of the Submissions under reply, it is humbly submitted that the Applicant is attempting to cherry-pick a portion from the report filed by the UPPCB in order to read the reproduced part alone, and in isolation, with a motive to mislead this Hon'ble Tribunal. It is submitted that the UPPCB report dated 17.05.2024, at running page nos. 36 & 37, records the following:

*"Photos of the land where the fly ash has been disposed of by farmers in agreement with the industry.*

*Photos of the brick kiln area where fly ash is being used for brick making by the brick kiln owner in agreement with the industry.*

- *From the above it is observed that all the fly ash generated from the unit is either taken by the farmers as per agreement and used by them for land filling on their own lands, for use in brick kilns or on industrial premises.*

*The officials of UPPCB also inspected the area where fly ash was allegedly dumped and found that few persons were burnt after they came in contact with fly ash. During the survey, it was observed that the fly ash was properly levelled and a layer of soil was disposed to cover the fly ash. Further, the representative of the unit informed that the fly ash which is generated is given to farmers as per the agreements executed and no fly ash is dumped on the*



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land in question. No agreement has been executed by anyone for the area in question.

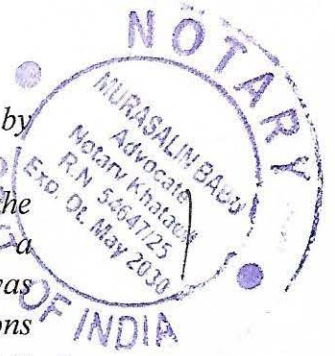
- The above area lies between the highway and the agricultural land (buffer zone), hence this land is a property of the government. During inspection it was informed by local villagers that some unknown persons used to dump fly ash in this area a few years back, but at present no one is disposing fly ash in the area in question. Further, it was observed that fly ash up to a depth of 1.5 meters from the ground level had been dumped previously, which is now covered with soil and grass as shown in the photographs below.
- Further, it has been informed by local villagers that municipal waste/garbage is being dumped on this land and is regularly burnt by unknown persons. There may be a possibility that due to burning of garbage, the dumped fly ash came in contact and attained high temperature, due to which the incident occurred.
- During survey, the officials of UPPCB has also met the family member of the persons who got burnt by coming in contact with the fly ash. However, affected person or family members have either refused to comment or informed that the fly ash dumped on the land belongs to Sugar Mill, however no evidence regarding the same was provided to the team. Further, they could not provide any details regarding the contractors/persons involved in dumping of fly ash on the land in question.”

Thereafter on running pgs. 39 to 40, after the Table which records the conversation of the UPPCB with the victims / their family members, the Report gives its conclusion which is as follows:

- “• UPPCB further made inquiry from the District Administration regarding the issue, however, no information is provided to the team till date.

Officials of UPPCB also contacted the concerned police station Khatauli and they informed that no complaint has been lodged by anyone regarding the incident occurred.

In view of the above, since no record is available with the District Administration and concerned police station, hence, it is not verified that M/s Triveni Engineering &



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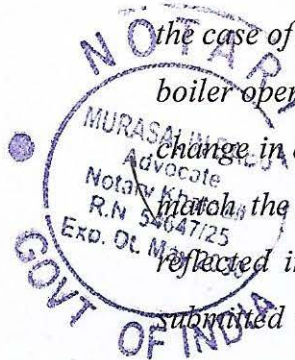
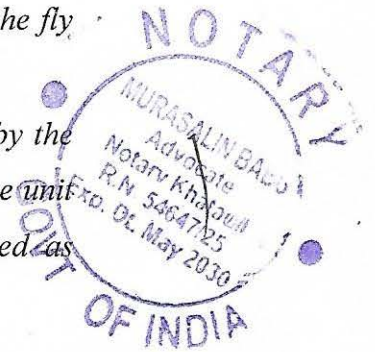
*Industries Ltd. Sugar Unit Khatauli had dumped the fly ash on the land where the incident had occurred.*

- *Further, as per the records/documents submitted by the unit, it is observed that the fly ash generated by the unit is properly disposed, details of which is annexed as Annexure-2 to this report.*

It is humbly submitted that by cherry-picking portion of the report the Applicant is attempting to pursue this Hon'ble Court to selectively read it in isolation, in order that serves Applicants ulterior agenda against Answering Respondent.

8. In reply to contents of paragraph 3 and 4 of the Submission under Reply, the answering Respondent reiterates its reply filed on 14.04.2025 at paragraph 19 and 20 (**running page nos. 156 to 158**) which is reproduced hereunder for the sake of convenience:

*"19. It is further submitted that the total ash disposed of or dumped in the fields belonging to different farmers or given to brick kilns has been stated in the Report in Table 5 as 11,787.60 MT on the basis of density. However, as per the logbooks maintained by the Unit, the total ash disposed of for the crushing season 2023-2024 is 12,630.09 MT. Accordingly, the Joint Committee concluded that the record of 842.45 MT of ash disposal was not available with the Unit. This conclusion is completely incorrect and merely speculative. In this respect, the answering Respondent humbly submits that the Joint Committee has taken the density of bagasse ash as 0.3 Tons/m<sup>3</sup>. However, in the case of bagasse ash, density is not constant and changes with boiler operating conditions from time to time. Even with a minor change in density, such as 0.322 Tons/m<sup>3</sup>, the calculation would match the actual quantity of ash disposed of by the Unit as reflected in the logbooks. Accordingly, it is most respectfully submitted that all fly ash generated has been disposed of in*



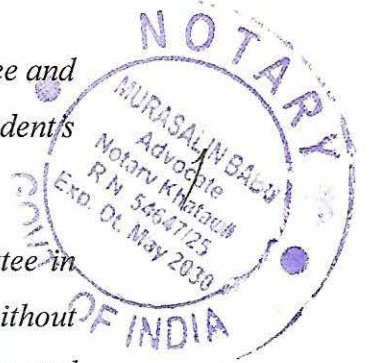
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accordance with the details provided to the Joint Committee and no amount of fly ash generated at the answering Respondent's Unit has been disposed of without agreement."

"20. In respect of the observations made by the Committee in paragraph 5.3.5 stating that fly ash was disposed of without agreement, it is submitted that the allegation is baseless and reflects non-application of mind by the Joint Committee while examining the documents provided by the answering Respondent. It is submitted that for the subject parcel of land referred to in the paragraph under reply, the fly ash on the plot came to be dumped only after a requisition letter from the owner of the said land, namely Shri Baburam, R/o Village Sheikhpura, was received by the answering Respondent. A true copy of the requisition letter received from Shri Baburam, along with its translated copy and photographs showing the status of the land in question, is annexed herewith and marked as Annexure R/4-3."

9. That the contents of para 5 of the Submissions of the Applicant are completely based on false and misleading narrative set by Applicant in foregoing paragraphs of his Submissions, and hence are vehemently denied, in reply thereto, the answering Respondent reiterates its Reply Affidavit to Objections filed by Applicant filed on 08.08.2025 at paras 5 to 7 at running pages 277 to 279:

"5. That the contents of paragraph 2 of the applicant's objections is completely misleading as stated. It is correct that the Joint Committee in its report dated 16.12.2024 observed that no fly ash was visible on the Khatauli-Miranpur Road and the Jansath-Flawda Road. It is also correct that the UPPCB inspection dated 03.05.2024 observed that fly ash up to a depth of 1.5 meters on the Jansath-Flawda Road. But the way respective observation has been twisted by selectively taking



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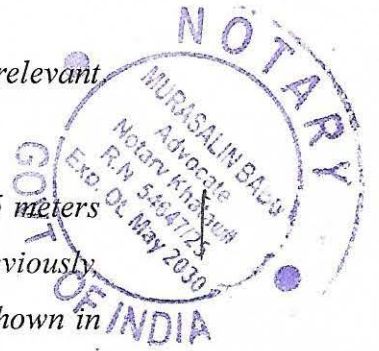
facts to suit convenience is writ large. In reality, the relevant excerpt from the UPPCB report read:

"It was observed that fly ash up to depth of 1.5 meters from the ground level has been dumped previously which is now covered with soil and grass as shown in the photographs below."

This clearly indicates past usage for land levelling and not any ongoing illegal dumping. Therefore, the Applicant is purposely trying to twist the observations made in the report to cast doubts on the report of the Joint Committee submitted on 16.12.2024.

6. That the contents of paragraph 3 are denied in totality. It is most respectfully submitted that the site in question was observed by UPPCB and Joint Committee in its report dated 17.5.24 and 16.12.24 respectively to be naturally covered with grass and shrubs when they inspected the same. Any change in landscape there as it is represented through Annexure-1 of the applicant under response here, seems to be a result of undue digging and excavation by the Applicant just to show the Answering Respondent in bad light before this Hon'ble Tribunal and which reeks malafide at the end of the Applicant. In fact, the answering Respondent beseeches this Hon'ble Tribunal to take appropriate action against the Applicant to have carried out illegal digging and excavation of public area without any due permission and authority of law. Clearly, any digging at the site appears to have been done with a malafide intention to misrepresent facts and cast aspersions on the answering Respondent.

7. That the contents of paragraph 4 & 5 of Applicant's objections are misconceived as stated and hence strongly denied. It is respectfully submitted that the answering Respondent is not responsible for fly ash being found at the place as Applicant has mentioned in para 4 and 5 under reply

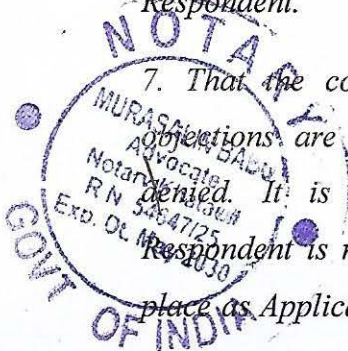


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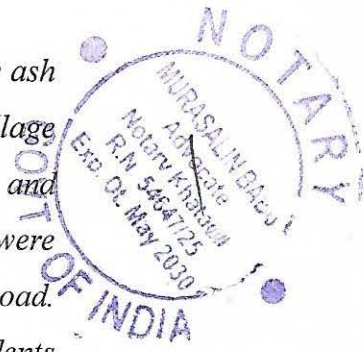
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here. In fact it would not be out of place to clarify that fly ash was requested by local villagers for being utilized in Village Ladpur solely for the purpose of land filling/levelling and enhancing soil fertility. The agricultural fields in the area were significantly lower in elevation compared to the adjoining road. It is therefore upon explicit written request from local residents that fly ash was given to them. The use of fly ash by the villagers in such circumstances was not arbitrary, but systematic and purposeful. It is pertinent to mention that fly ash contains a considerable quantity of Potash, which is known to act as a natural soil conditioner and contributes to improved soil fertility. The application of fly ash in this manner was carried out responsibly, by villagers by layering it properly and covering it with soil to prevent any airborne dispersion or environmental harm. In support of the above, consent letters from local villagers and photographic evidence of the site before and after coverage have been annexed herewith and marked as Annexure R/4 - 6 (Colly) from page 10 to 31. It would not be out of place to mention here that in absence of any statutory mandate/notification/guidelines in regards to disposal of fly ash generated in process of sugar manufacturing, a fact which is also acknowledged by the Joint Committee in its Report, the usage of fly ash as referred to in para under reply was very responsibly and systematically done and was not at all to detriment of any individual or environment."

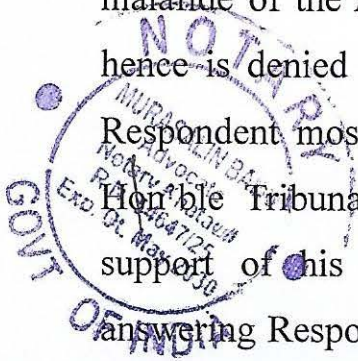
10. That the contents of paragraph 6 of the Submissions reeks of malafide of the Applicant and sets out clear malice on his part hence is denied summarily. In response thereof, the answering Respondent most respectfully invites the kind attention of this Hon'ble Tribunal to Annexure A/1 filed by the Applicant in support of his claim about taking medical treatment. The answering Respondent most respectfully submits that the careful



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perusal and examination of the said document reveals that it has been manufactured to serve the ulterior objectives of the Applicant and is certainly doubtful for the reasons enumerated below.

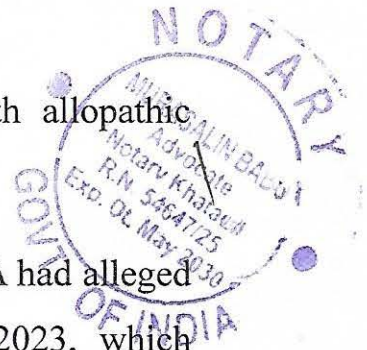
10.1. The prescription dated 27.11.2023 at page 479, has been placed only now in January 2026 while the OA was filed in February 2024. Notably, this prescription was never shared either with the UPPCB or the Joint Committee when the representatives interacted with the Applicant. The Applicant had neither mentioned the name of Dr. Dutt nor was this document ever shared in the pleadings exchanged before. In the objections filed against the Joint Committee Report, the Applicant had the opportunity to file the same, however, not a whisper was made about this prescription in the said Objections. Therefore, in light of the findings given by the UPPCB and Joint Committee, the presentation of this prescription raises serious doubts about its veracity. It appears that the prescription has been manufactured only now to anyhow mislead this Hon'ble Tribunal when all the allegations levelled against the answering Respondent have fallen flat by not one but two reports presented to this Hon'ble Tribunal.

10.2. The prescription annexed is from one Dr. Mahendra Dutt, whose qualification may be read with difficulty as B.Sc (Ag.), BIMS, RMP (Lok). Further bare perusal of the picture of the Board of Dr. Dutta at pg. 480 where Dr. Dutt is being mentioned as "Ayurved Ratan". All of this raises a serious concern as to whether said practitioner is

qualified to even treat burn injuries with allopathic medicines.

10.3. Furthermore, while the Applicant in his OA had alleged that he suffered burn injuries in May 2023, which notably was different from the date mentioned in Applicant's own written statement given to the Joint Committee at pg. 120 which says the incident occurred in April 2023, yet no treatment was taken from the alleged date of incident until 27.11.2023. After 6 or 7 months from the date of incident, the Applicant suddenly on 27.11.2023, obtained the alleged medical assistance and that too only once. Interestingly, the said prescription mentions the dates between 27.11.2023 to 15.12.2023, with no follow-up visits or further consultations, which makes the document highly suspicious.

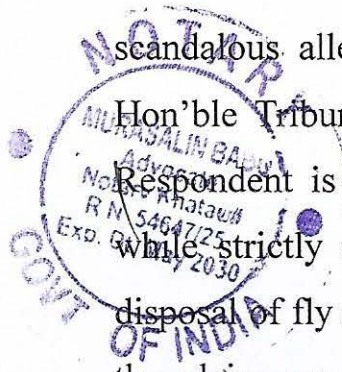
11. It is respectfully submitted that the instant Application was clearly an exercise which was motivated and targeted at the sole intent of extracting money by exerting pressure upon the answering Respondent. The Applicant has not only misled this Hon'ble Tribunal but has also wasted precious judicial time of this Hon'ble Tribunal. It is submitted that the Applicant with the help of scandalous allegations tried to create a perception before this Hon'ble Tribunal wherein it was portrayed that the answering Respondent is dumping fly ash flouting environmental norms, while strictly speaking there was no prescribed guideline for disposal of fly ash generated from Sugar Unit in the period when the claim was brought forth this Hon'ble Tribunal. In these



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peculiar circumstances, the answering Respondent most respectfully prays that the Application should not only be dismissed simpliciter but should be dismissed with the exemplary costs as well so that such an abuse of process can be deterred in the future.

12. At this stage it is apposite to mention the power of the Hon'ble Tribunal as contained in Section 23 of the National Green Tribunal which as hereunder:

*"23. Cost.—(1) While disposing of an application or an appeal under this Act, the Tribunal shall have power to make such order as to costs, as it may consider necessary.*

*(2) Where the Tribunal holds that a claim is not maintainable, or is false or vexatious, and such claim is disallowed, in whole or in part, the Tribunal may, if it so thinks fit, after recording its reasons for holding such claim to be false or vexatious, make an order to award costs, including lost benefits due to any interim injunction."*

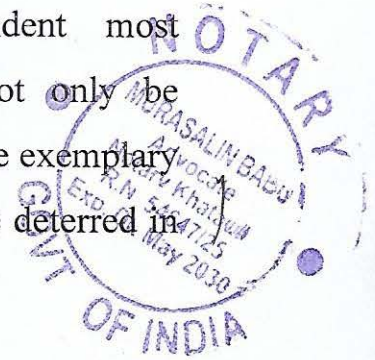
13. Therefore, it is humbly submitted that the present Application being devoid of any merit, being false and vexatious, should be dismissed with exemplary costs.

*h*  
DEPONENT

### VERIFICATION

Verified at Muzaffarnagar, Uttar Pradesh on this 09 day of April 2026 that the contents of paragraph 1 to 10 (partially) is based on my personal knowledge and is true and correct, whereas contents of paragraph 10 (partially) to 12 is based on the legal advice of the counsel for the answering Respondent and is thus believed to be true and nothing material having any bearing on the adjudication of the instant Application has been concealed therefrom.

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# 503

From: Ruchir Rai [ruchir.rai@outlook.com](mailto:ruchir.rai@outlook.com)

Subject: O.A. No. 326 of 2024 titled Joginder Kumar vs. State of U.P. & Ors. |  
Reply Affidavit to the Submissions of Applicant dated 12.01.2026

Date: 12 Apr 2026 at 7:18:35 PM

To: [rkhuranalegal@gmail.com](mailto:rkhuranalegal@gmail.com), [advjain25@gmail.com](mailto:advjain25@gmail.com),  
[pradeepmisra@yahoo.com](mailto:pradeepmisra@yahoo.com)

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Dear Sir,

Attached herewith is the reply on behalf of Respondent No. 4 which is being filed before the Hon'ble NGT and is being served upon you by way of this e-mail.

Regards,

Ruchir Ranjan Rai

Advocate for Respondent No. 4

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**Reply Affidavit of R-4  
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