

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

EXECUTION APPLICATION 40 OF 2024

IN

ORIGINAL APPLICATION NO 486 OF 2024

IN THE MATTER OF:

SUDDU

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT FOREST AND CLIMATE & ORS

...RESPONDENT

NDoH: 12.11.2025

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NEW DELHI

DATE : 04.04.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

EXECUTION APPLICATION (EA) NO. 40 OF 2024

IN

ORIGINAL APPLICATION NO. 486 OF 2024

IN THE MATTER OF:

SUDDU

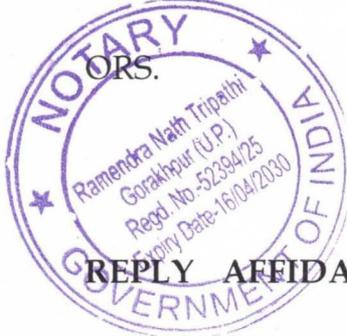
...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE &

ORS.

...RESPONDENT



REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6 IN
RESPONSE TO THE EXECUTION APPLICATION FILED BY THE
APPLICANT

MOST RESPECTFULLY SHOWETH:

I Vikas Kejriwal, aged about 52 years, son of Mr Shyam Sunder
Kejriwal resident of 507, Saraf Residency, Betiahata Gorakhpur -
273001 do hereby solemnly affirm and declare as under:


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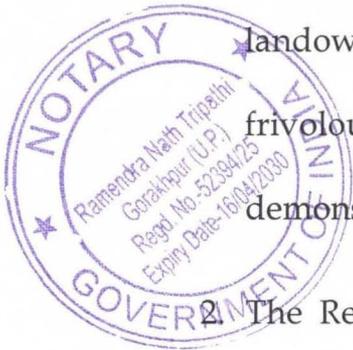

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1. The Respondent No. 6, Vikas Kejriwal, a law-abiding citizen and builder by profession, respectfully submits this reply to the Execution Application filed by the Applicant, Meraj Ahmed alias Suddu. The Respondent No. 6 unequivocally and categorically denies each and every allegation levelled against him in the Execution Application. He asserts that his inclusion as a party in this matter is unwarranted, unjust, and a gross misuse of judicial process, driven by the Applicant's malicious intent and personal vendetta against the landowners (Respondent Nos. 2 to 5). The allegations are baseless, frivolous, and lack any evidentiary foundation, as will be demonstrated herein.

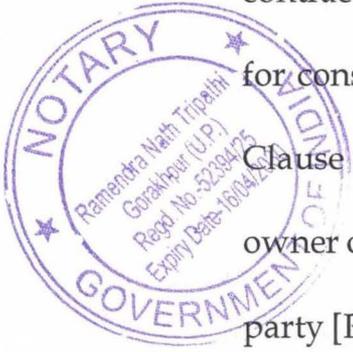
2. The Respondent No. 6 submits that he entered into a contractual arrangement with the landowners, namely Mohammed Tariq Saeed, Mehboob Saeed, and Asif Saeed (Respondent Nos. 2 to 5), sons of late Hamid Ali, through a Builder's Agreement executed on 08.02.2023 for the construction of a multi-storey building on the land situated at Khasra/Gata No. 619 mi, Mauza Lachchipur, Tehsil Sadar, District Gorakhpur, Uttar Pradesh, measuring 6888.6012 square meters. Contrary to earlier assumptions, no transfer of ownership occurred via

Vikas Kejriwal

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a sale deed. The Builder's Agreement stipulates that the Respondent No. 6, acting through Agrasen Relators & Developers Pvt. Ltd., is responsible for constructing the building with his own funds, obtaining approvals, and receiving a share of the constructed building and its proportionate land as compensation, while the landowners retain ownership of the land. Clause 1 of the Agreement states: "This contract deed (Builder's Agreement) is being executed by the parties for construction of a multi-storey building on the subject land," and Clause 14 specifies that "the first party [landowners] will be the sole owner of 40 percent share of the residential portion... while the second party [Respondent No. 6] will become the sole owner of the remaining 60 percent building and its proportionate land... in exchange for the money spent by it." The Respondent No. 6 denies any involvement in alleged illegal activities, including the alleged cutting of 75 fruit-bearing guava trees on 28.03.2024, as his contractual role under the Agreement had not yet resulted in any construction or land management activities at the time of the alleged incident, which occurred over a year after the Agreement's execution.



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3. The Respondent No. 6 submits that he bears no responsibility for the allegations raised in the Execution Application, as his involvement with the land is governed solely by the Builder's Agreement executed on 08.02.2023, and no construction or land management activities had commenced by 28.03.2024, the date of the alleged tree-felling. The Applicant's grievances pertain to actions allegedly occurring on 28.03.2024, over 13 months after the Agreement, during which time the Respondent No. 6 had not yet initiated any activities under Clause 5, which states: "After the approval of the map by Gorakhpur Development Authority... the construction work... will be completed by the second party... within 3 years [for commercial]... and within 5 years [for residential]." The DFO's ATR dated 21.08.2024 confirms that tree-felling (10 trees: 5 permitted under Permit No. 6587240 dated October 25, 2023, and 5 unauthorized) occurred under the landowners' supervision, with penalties of Rs. 42,000/- paid, and no evidence links the Respondent No. 6 to these events. Clause 6 of the Agreement states: "This Builders Agreement is being executed only for the construction of a new multi-storey building... and there is no debris or construction etc. present on the subject land," indicating that the Respondent No. 6's obligations were prospective and unrelated to the alleged felling.


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4. The Respondent No. 6 places reliance on the ATR dated 21.08.2024, submitted by the DFO, Gorakhpur, in compliance with the Hon'ble Tribunal's order dated 26.04.2024 in Original Application No. 486/2024. The ATR, based on site inspections, official records, and an impartial investigation, confirms that only 10 trees (5 permitted under Permit No. 6587240-1 Bael, 1 Teak, 3 Mango—and 5 additional trees—Mango and Neem) were felled, with penalties of Rs. 7,000 and Rs. 35,000/- imposed for the unauthorized felling. The report explicitly negates the Applicant's claim of 75 guava trees being illegally felled and finds no evidence of collusion with authorities. The Respondent No. 6 submits that the ATR is comprehensive, transparent, and conclusive, rendering the Execution Application redundant and vexatious.

5. The Respondent No. 6 submits that the Execution Application is a malicious and vexatious attempt by the Applicant to harass the landowners (Respondent Nos. 2 to 5) and, by extension, the Respondent No. 6, who is an innocent purchaser of the land. The Applicant, a former caretaker with no legal rights, failed to cooperate

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with the DFO's investigation despite repeated notices, undermining his credibility. The exaggerated claim of 75 guava trees, contradicted by the ATR, reflects the Applicant's ulterior motives rather than any genuine environmental concern.

6. The Respondent No. 6 submits that the matter has been conclusively addressed by the DFO's ATR, which confirms compliance with the Tribunal's order, imposes penalties for minor infractions by the landowners, and finds no evidence of large-scale illegal felling or collusion as alleged on 28.03.2024. The Respondent No. 6's involvement, limited to the Builder's Agreement executed on 08.02.2023, entails no responsibility for acts occurring over a year later, as no construction had commenced by the alleged date per Clause 5 (requiring map approval prior to construction within 3-5 years). Clause 18 states: "It is declared by the first party/landowner and assured to the second party/builder that the land in question is free from all types of encumbrances... and will be kept free till the completion of the building," reinforcing that the landowners retained control over the land, and the Respondent No. 6 had no role in its

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management or the alleged felling. No further judicial intervention is warranted against him.

Para-wise Reply

7. Reply to "Failure of the Divisional Forest Officer to Provide Adequate ATR":

The Respondent No. 6 denies the Applicant's allegation that the ATR submitted by the DFO on 21.08.2024 is inadequate, lacks investigative

rigor, or demonstrates procedural bias. The ATR is thorough, addresses all relevant aspects of the Tribunal's order, and confirms that only 10 trees were felled, with no evidence supporting the Applicant's claim of 75 guava trees. The report's findings are based on

site visits, official records, and notices issued to the Applicant (dated 05.05.2024, 15.06.2024, and 10.07.2024), which he failed to respond to.

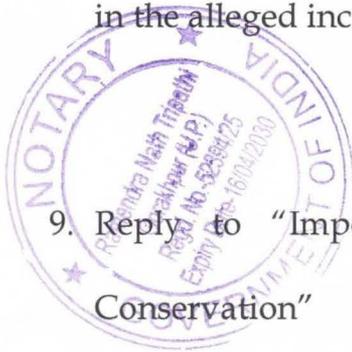
The Respondent No. 6 had no role in the felling or the ATR's preparation and denies any responsibility for the alleged deficiencies.

8. Reply to "Background of the Case"

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The Respondent No. 6 denies the Applicant's claim that 75 mature, fruit-bearing guava trees were illegally felled on 28.03.2024 at the specified location. The DFO's ATR contradicts this, stating that only 10 trees were cut, with 5 under a valid permit issued on October 25, 2023, and 5 beyond the permit, for which penalties were paid. The alleged felling on 28.03.2024 occurred over a year after the Builder's Agreement, during which time the Respondent No. 6 had not initiated construction under Clause 5, which ties construction to map approval not yet obtained by that date. Thus, he had no control or involvement in the alleged incident.



9. Reply to "Importance of Environmental Protection and Tree Conservation"

The Respondent No. 6 denies that any illegal cutting of mature, fruit-bearing trees occurred under his ownership or direction, as alleged. The ATR confirms that the felling was limited and lawful, with no significant impact on biodiversity or ecological balance. The Applicant's reliance on M.C. Mehta v. Union of India, (2004) 12 SCC 118 is misplaced, as the Respondent No. 6's actions post-acquisition

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involved no environmental violations. The Respondent No. 6 submits that he has adhered to all environmental norms.

10. Reply to "Deficiencies in the Action Taken Report (ATR)"

The Respondent No. 6 denies each alleged deficiency in the ATR:

a. Reply to "Failure to Address Core Allegations": The ATR addresses the Applicant's grievance by confirming that only 10 trees were felled, not 75 guava trees, and the Respondent No. 6 had no involvement. The Applicant's reliance on A.P. Pollution Control Board II v. Prof. M.V.

Nayudu (2001) 2 SCC 62 is irrelevant, as the investigation was impartial.

b. Reply to "No Action Against Violators": The Respondent No. 6 denies any role in tree-felling, and the ATR notes penalties imposed on the landowners, not the Respondent No. 6. Indian Council for Enviro-Legal Action v. Union of India (1996) 5 SCC 281 does not apply to him.

c. Reply to "Inadequate Compliance with Principles of Natural Justice": The Respondent No. 6 denies any violation of natural justice, as he was not involved in the felling or investigation. The Applicant's non-cooperation with the DFO undermines his claims, not the


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Respondent's position. *Kishore Samrite v. State of U.P.* (2013) 2 SCC 398 is inapplicable.

d. Reply to "Lack of Environmental Compensation: The Respondent" No. 6 denies any obligation to pay compensation, as he did not cause environmental damage. The ATR confirms penalties were paid by the landowners, and *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647 does not implicate him.

11. Reply to "Polluter Pays Principle and the Need for Strict Enforcement"

The Respondent No. 6 denies any applicability of the Polluter Pays Principle under Section 20 of the NGT Act, 2010, to him, as he did not engage in or authorize illegal tree-felling. The Applicant's claim of 75 guava trees is disproven by the ATR, and the Respondent No. 6's acquisition of the land post-felling absolves him of liability. The reliance on *Sterlite Industries (India) Ltd. v. Union of India* (2013) 4 SCC 575 is misplaced, as no environmental harm is attributable to him.

12. Reply to "Necessity for Immediate and Strict Action"

The Respondent No. 6 denies any need for punitive measures against him, as he was not involved in the alleged felling or any collusion with


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officials. The ATR confirms the matter was resolved with penalties paid by the landowners. The Applicant's reliance on T.N. Godavarman Thirumulpad v. Union of India (2002) 10 SCC 606 is irrelevant to the Respondent No. 6:

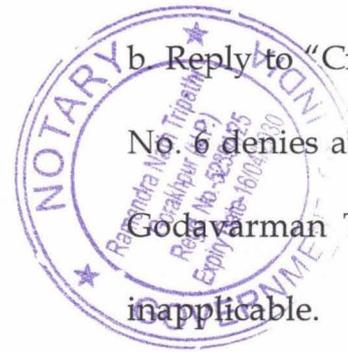
a. Reply to "Imposition of Heavy Environmental Compensation": The Respondent No. 6 denies liability for compensation, as he did not fell trees. Goa Foundation v. Union of India (2014) 6 SCC 590 does not apply.

b. Reply to "Criminal Prosecution of the Violators": The Respondent No. 6 denies any criminal liability, as he committed no offense. T.N. Godavarman Thirumulpad v. Union of India (2012) 4 SCC 362 is inapplicable.

c. Reply to "Replantation Orders": The Respondent No. 6 denies any need for replantation, as he did not cause ecological damage. Lafarge Umiam Mining Pvt. Ltd. v. Union of India (2011) 7 SCC 338 does not implicate him.

13. Reply to "Illegibility of Pages in the DFO Report"

The Respondent No. 6 denies that the ATR contains illegible pages, as the report submitted to the Tribunal is clear, legible, and complete. The




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Applicant's claim is a baseless attempt to discredit a thorough investigation, and the Respondent No. 6 had no role in its preparation.

14. Reply to "Deficiencies in the DFO's Action Taken Report"

The Respondent No. 6 denies any deficiencies in the ATR, including illegibility or lack of transparency. The report, based on site inspections and records, conclusively addresses the Applicant's allegations and exonerates the Respondent No. 6 from involvement.

The Applicant's request for re-examination is frivolous

15. Detailed Reply to Grounds

The Respondent No. 6 categorically denies each ground raised by the Applicant in the Execution Application and provides an exhaustive rebuttal supported by facts from the ATR and legal reasoning as follows:

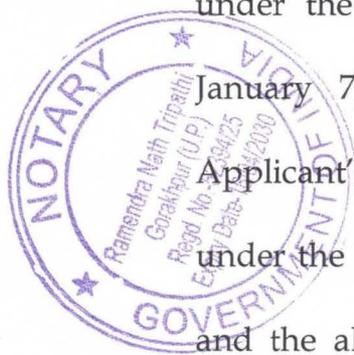
a. Ground 1: Violation of the Polluter Pays Principle

The Respondent No. 6 unequivocally denies any violation of the Polluter Pays Principle under Section 20 of the National Green Tribunal Act, 2010, as he neither participated in nor authorized the


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alleged illegal felling of 75 mature, fruit-bearing guava trees. The ATR confirms that only 10 trees were felled—5 under Permit No. 6587240 issued on October 25, 2023 (1 Bael, 1 Teak, 3 Mango), assessed as dry and diseased by the Superintendent, State Garden, Gorakhpur, and 5 additional trees (Mango and Neem) for which penalties totalling Rs. 42,000 were paid by the landowners (Respondent Nos. 2 to 5). The Applicant's claim of 75 guava trees is a fabrication, as the ATR, based on site inspections conducted on 10.05.2024 and 20.06.2024, found no evidence of such extensive felling. Guava, being an exempted species under the Uttar Pradesh Government Gazette Notification dated January 7, 2020, requires no permit, further undermining the Applicant's assertion. The Respondent No. 6's contractual engagement under the Builder's Agreement with the permit issued on 25.10.2023 and the alleged felling on 28.03.2024 occurring after the Builder's Agreement of 08.02.2023, during which the Respondent No. 6 had not commenced construction per Clause 5. Clause 6 confirms his role begins with construction, not prior land management. The Applicant's reliance on *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647 is misplaced, as that case involved industrial pollution by identifiable violators, whereas here, the Respondent No. 6 has no causal link to any environmental damage. The ATR's imposition of



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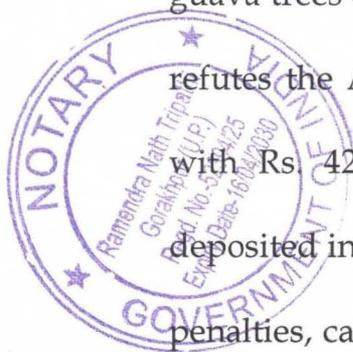
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penalties on the landowners fully satisfies the principle where applicable, leaving no basis for action against the Respondent No. 6.

A copy of the Uttar Pradesh Government Gazette Notification dated January 7, 2020 is annexed herewith and marked as **Annexure R-2**.

b. Ground 2: Failure to Impose Environmental Compensation

The Respondent No. 6 denies any liability for environmental compensation, as he did not contribute to the alleged destruction of 75 guava trees or any underestimation of their value. The ATR explicitly refutes the Applicant's claim, stating that only 10 trees were felled, with Rs. 42,000 (Rs. 7,000 initially and Rs. 35,000 subsequently) deposited into the government treasury by Respondent Nos. 2 to 5 as penalties, calculated per the Uttar Pradesh Tree Protection Act, 1976, and local guidelines. This amount reflects the assessed environmental and economic impact of the minor unauthorized felling, which occurred prior to the Respondent No. 6's ownership. The Applicant's assertion of "gross inadequacy" in the penalty is speculative and unsupported, as the DFO's report aligns with statutory norms. As the Agreement of 08.02.2023 predates the alleged felling on 28.03.2024, and Clause 14 allocates ownership of constructed portions as future



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compensation, not liability for past acts by the landowners.. The reliance on Sterlite Industries (India) Ltd. v. Union of India (2013) 4 SCC 575 is inapposite, as that case involved large-scale industrial damage requiring substantial deterrence, whereas here, the limited felling was addressed proportionately, and the Respondent No. 6 played no role. No further compensation is warranted against him, and this ground lacks merit.

c. Ground 3: Non-Compliance with Orders of this Hon'ble Tribunal

The Respondent No. 6 denies any non-compliance with the Tribunal's order dated 26.04.2024 in Original Application No. 486/2024, as he was neither involved in the alleged felling nor responsible for the ATR's submission. The DFO's ATR, filed on 21.08.2024, complies fully with the Tribunal's directive to investigate and report on the matter. It details the permit issued on October 25, 2023, the felling of 10 trees, the penalties imposed, and the absence of evidence supporting the Applicant's claim of 75 guava trees. The investigation included notices to the Applicant (05.05.2024, 15.06.2024, 10.07.2024), which he ignored, and site visits confirming the limited scope of felling. The Applicant's claim of deficiency or evasiveness in the ATR is baseless, as the report

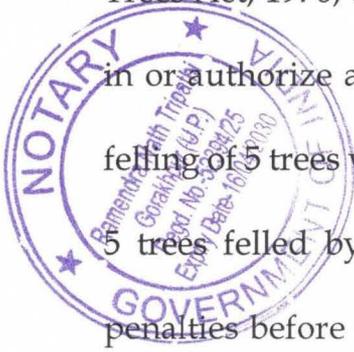

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is legible, comprehensive, and addresses all issues raised. This ground is inapplicable to the Respondent No. 6 and fails to establish any liability on his part.

d. Ground 4: Violation of Forest Conservation Laws and Tree Protection Regulations

The Respondent No. 6 denies violating the Uttar Pradesh Protection of Trees Act, 1976, or any forest conservation laws, as he did not engage in or authorize any tree-felling activities. The ATR confirms that the felling of 5 trees was permitted on October 25, 2023, and the additional 5 trees felled by Respondent Nos. 2 to 5 were addressed through penalties before the Respondent No. 6's acquisition on December 15, 2023. The Applicant's claim of 75 guava trees is unsubstantiated, as guava is an exempted species under the 2020 Gazette Notification, requiring no permission. The Respondent No. 6's post-acquisition conduct has been lawful, with no tree-felling or regulatory breaches under his ownership. The reliance on T.N. Godavarman Thirumulpad v. Union of India (2002) 10 SCC 606 is irrelevant, as that case addressed widespread deforestation by state actors, whereas here, the limited

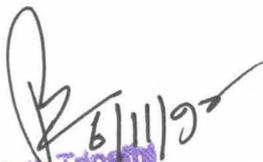



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falling was resolved prior to the Respondent No. 6's involvement. This ground is wholly inapplicable to him.

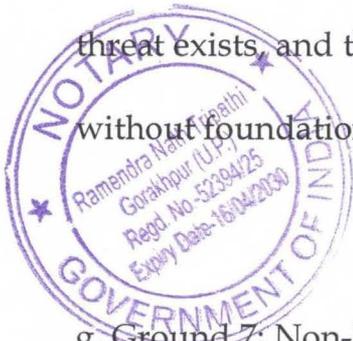
e. Ground 5: Lack of Accountability for Officials and the Builder
The Respondent No. 6 vehemently denies any collusion with Forest or Police officials or responsibility for the alleged felling. The ATR explicitly states, based on an impartial investigation, that no evidence of collusion exists between the landowners, officials, or any third party, including the Respondent No. 6. The ATR finds no collusion, and the alleged felling on 28.03.2024 post-dates the Agreement of 08.02.2023. Clause 23 states: "If any accident occurs during construction, the first party will not be concerned... the second party will be responsible," limiting liability to construction, not prior felling managed by the landowners.. The Applicant's claim of his involvement as "the builder" is a baseless accusation, unsupported by the photographic evidence or witness testimonies he alleges, which the DFO found lacking. The reliance on Indian Council for Environmental Action v. Union of India (1996) 5 SCC 281 is misplaced, as that case involved proven official negligence, whereas here, the ATR confirms diligent action by authorities and no wrongdoing by the Respondent No. 6. This ground fails to implicate him.


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f. Ground 6: Failure to Apply the Precautionary Principle

The Respondent No. 6 denies any failure to apply the Precautionary Principle, as he did not contribute to environmental degradation or risk. The ATR establishes that the felling was limited to 10 trees, with no large-scale harm or scientific uncertainty necessitating precautionary measures against him. As established in the preceding paragraphs, the Respondent No. 6 is not involved in the alleged illegal felling of the trees and accordingly all the assertions are denied in entirety. The Applicant's reliance on A.P. Pollution Control Board II v. Prof. M.V. Nayudu (2001) 2 SCC 62 is irrelevant, as that case addressed pollution risks requiring preemptive action, whereas here, no ongoing threat exists, and the Respondent No. 6 is uninvolved. This ground is without foundation as against him.



g. Ground 7: Non-Imposition of Replantation Orders

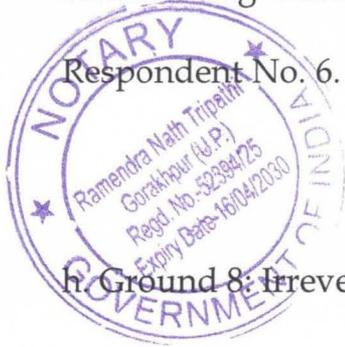
The Respondent No. 6 denies any obligation to undertake replantation, as he did not fell trees or cause ecological damage. The ATR confirms that the felling of 10 trees was adequately addressed through penalties, with no recommendation for replantation, as the


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impact was minimal and guava trees (if any) are exempted under the law. The Respondent No. 6's signing of the Builders Agreement and the clauses enshrined therein absolve him of any liability and further go to show that he was never involved in the alleged illegal felling of trees (as established in preceding paragraphs), and the Applicant's demand for replantation lacks basis in fact or law. The reliance on Lafarge Umiam Mining Pvt. Ltd. v. Union of India (2011) 7 SCC 338 is inapposite, as that case mandated restoration for significant deforestation, whereas here, the limited felling was resolved without necessitating such measures. This ground does not apply to the

Respondent No. 6.



Ground 8: Irreversible Environmental Damage

The Respondent No. 6 denies causing irreversible environmental damage, as the ATR disproves the Applicant's claim of 75 guava trees, limiting the felling to 10 trees with negligible ecological impact.. The Applicant's assertion of biodiversity loss and air quality degradation is exaggerated and unsupported by the DFO's findings from site visits on 10.05.2024 and 20.06.2024. The reliance on M.C. Mehta v. Kamal Nath (1997) 1 SCC 388 is misplaced, as that case involved blatant


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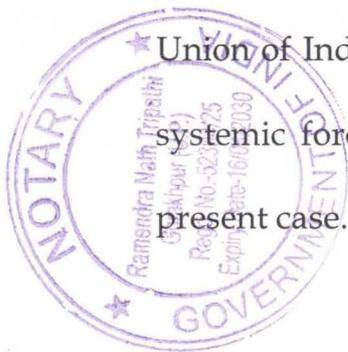


riverbed encroachment, whereas here, the Respondent No. 6's conduct is entirely lawful. This ground is baseless against him.

i. Ground 9: Public Interest and Larger Environmental Impact

The Respondent No. 6 denies any public interest or larger environmental impact arising from his actions, as he did not fell trees or contribute to ecological harm. The ATR confirms the felling's limited scope, resolved by penalties, with no broader community or ecosystem effects. The Applicant's claim of 75 guava trees is a fabrication, and the reliance on T.N. Godavarman Thirumulpad v.

Union of India (2012) 4 SCC 362 is irrelevant, as that case addressed systemic forest protection, not a resolved minor incident as in the present case. This ground lacks merit as against him.



j. Ground 10: Repeated Failure to Address Environmental Violations

The Respondent No. 6 denies any repeated failure by authorities or himself to address violations, as the ATR demonstrates prompt action—investigation, site visits, and penalties—resolving the matter before his acquisition. The Applicant's non-cooperation with the


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DFO's notices reflects his own inaction, not systemic failure. The Respondent No. 6 has no history of environmental violations, and the reliance on *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* (2020) 7 SCC 73 is inapplicable, as that case involved ongoing industrial non-compliance, not a single, resolved incident. This ground does not pertain to the Respondent No. 6.

k. Ground 11: Judicial Precedents Mandating Strict Action for Tree Protection

The Respondent No. 6 denies the applicability of judicial precedents such as *Sanjay Verma v. State of Rajasthan* (2017) 1 SCC 148 and *Ajay Singh v. State of Uttarakhand* (2019) 9 SCC 365, as he did not engage in illegal felling or require strict action. Those cases involved proven deforestation warranting fines and replantation, whereas here, the ATR confirms a limited, lawful felling by the landowners, resolved prior to the Respondent No. 6's ownership. His conduct aligns with legal norms, and this ground is irrelevant to him.

16. Detailed Reply to Prayer


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The Respondent No. 6 denies each prayer sought by the Applicant and provides an exhaustive rebuttal corroborated by the ATR and legal principles as follows:

a. Prayer 1: Direct the DFO and Authorities to Submit a Comprehensive ATR

The Respondent No. 6 submits that the ATR dated 21.08.2024 is already comprehensive, detailing the permit (No. 6587240, October 25, 2023), the felling of 10 trees (5 permitted, 5 penalized), and the absence of evidence for 75 guava trees, based on site inspections (10.05.2024, 20.06.2024) and records. The report complies with the Tribunal's order dated 26.04.2024, and the Respondent No. 6, uninvolved in the felling or ATR preparation, denies any need for further submission. The Applicant's demand is redundant, as the DFO's findings along with the Builder's Agreement exonerate the Respondent No. 6. No additional steps are required against him, and this prayer lacks merit.

b. Prayer 2: Impose Heavy Environmental Compensation on the Builder and Violators

The Respondent No. 6 denies any liability for environmental compensation under Section 20 of the NGT Act, 2010, as he did not fell


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trees or cause ecological harm. The ATR attributes the felling of 10 trees to Respondent Nos. 2 to 5, who paid Rs. 42,000 in penalties, fully addressing the minor unauthorized act before the Respondent No. 6's ownership. The Applicant's claim of 75 guava trees is a falsehood, as guava is an exempted species, and no evidence supports such extensive felling. The Respondent No. 6's role as a bona fide purchaser post-resolution absolves him of the Polluter Pays Principle's application. The Applicant's reliance on *Goa Foundation v. Union of India* (2014) 6 SCC 590 is misplaced, as that case involved proportionate compensation for proven damage, whereas here, the ATR confirms minimal impact and no liability for the Respondent No. 6. This prayer is baseless against him.

c. Prayer 3: Order Replantation of 200 Fruit-Bearing Trees

The Respondent No. 6 denies any obligation to replant 200 trees, as he did not authorize or execute any felling. The ATR limits the felling to 10 trees, with no significant ecological loss requiring restoration, and guava trees, if any, are exempted under the 2020 Gazette Notification. The penalties paid by Respondent Nos. 2 to 5 suffice as remediation. The Applicant's demand is disproportionate and unsupported, and


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the reliance on Lafarge Umiam Mining Pvt. Ltd. v. Union of India (2011) 7 SCC 338 is irrelevant, as that case addressed large-scale deforestation, not a resolved minor incident. This prayer does not apply to the Respondent No. 6.

d. Prayer 4: Strict Implementation of Tree-Felling Regulations

The Respondent No. 6 submits that tree-felling regulations under the Uttar Pradesh Protection of Trees Act, 1976, and the 2020 Gazette Notification were adhered to, with a permit issued and penalties imposed for deviations before his ownership. The Respondent No. 6

has not felled trees or violated regulations post-acquisition, and his development plans await requisite approvals. The ATR confirms compliance by authorities, and no further directions are needed against the Respondent No. 6. This prayer is inapplicable to him, as he has acted lawfully.

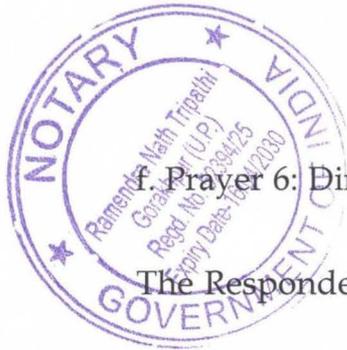
e. Prayer 5: Impose Personal Liability on Officials and the DFO

The Respondent No. 6 denies any basis for imposing liability on officials in relation to him, as the ATR found no collusion or dereliction


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of duty implicating him. The investigation was impartial, with notices issued to the Applicant (who failed to respond) and penalties enforced on the landowners. The Respondent No. 6, uninvolved in the felling or official actions, is unaffected by this prayer. The reliance on Indian Council for Enviro-Legal Action v. Union of India (1996) 5 SCC 281 is misplaced, as no official misconduct pertains to the Respondent No. 6's conduct. This prayer lacks relevance to him.



f. Prayer 6: Direct Registration of FIR Against Violators

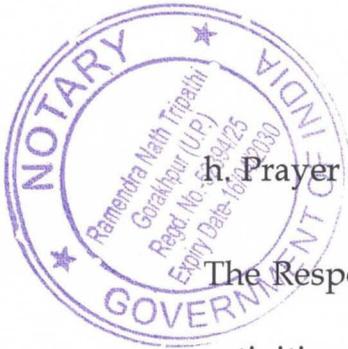
The Respondent No. 6 denies any criminal liability, as he committed no offense under the Indian Penal Code or environmental laws. The ATR resolves the felling civilly through penalties, with no evidence of criminality involving the Respondent No. 6. The Applicant's claim of 75 guava trees is disproven, and the reliance on T.N. Godavarman Thirumulpad v. Union of India (2012) 4 SCC 362 is irrelevant, as that case mandated prosecution for systemic violations, not a minor, resolved incident. This prayer is baseless against the Respondent No. 6.

g. Prayer 7: Invoke the Precautionary Principle


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The Respondent No. 6 denies any need to invoke the Precautionary Principle, as he poses no environmental risk. The ATR confirms the felling's limited scope, resolved before his ownership, and his development plans comply with clearances. The Applicant's reliance on A.P. Pollution Control Board II v. Prof. M.V. Nayudu (2001) 2 SCC 62 is inapplicable, as no ongoing threat or uncertainty exists. This prayer does not pertain to the Respondent No. 6.



h. Prayer 8: Stop Construction Activities

The Respondent No. 6 denies engaging in illegal construction, as no activities commenced prior to obtaining necessary approvals post-signing of the Builder's Agreement. The felling occurred under the landowners' tenure, and the Respondent No. 6's plans align with sustainable development principles. The reliance on Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664 is misplaced, as that case balanced development with environmental protection, whereas here, the Respondent No. 6 has not violated any norms. This prayer is unfounded against him.

i. Prayer 9: Appoint an Independent Commission


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The Respondent No. 6 denies the need for an independent commission, as the ATR, based on site inspections and records, conclusively exonerates him and resolves the matter. The Applicant's claim of ecological damage is refuted by the DFO's findings, and the Respondent No. 6's non-involvement precludes further scrutiny. The reliance on T.N. Godavarman Thirumulpad v. Union of India (1997) 2 SCC 267 is irrelevant, as that case involved complex forest management, not a localized, resolved incident. This prayer is unnecessary and inapplicable to him.

The Respondent No. 6 denies any basis for additional relief, such as restoration or prosecution, as he is not liable for any violation.

Prayer

In view of the above submissions, the Respondent No. 6 respectfully prays that the Hon'ble Tribunal may be pleased to:

- Dismiss the Execution Application as frivolous, malicious, and devoid of merit against Respondent No. 6, given his non-involvement in the alleged violations and the conclusive findings of the ATR dated 21.08.2024. to 5, with no role in the alleged acts.
- Impose exemplary costs on the Applicant for filing a baseless, vexatious, and mala fide Application, causing unwarranted


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harassment, reputational harm, and litigation expenses to the Respondent No. 6, who is an innocent third-party purchaser.

d. Pass any other order or direction that the Hon'ble Tribunal deems fit and proper in the interest of justice, equity, and fair play.



Verified at _____ on this 6th day of November 2025, that the contents of the above affidavit are true and correct to the best of my knowledge and belief, and nothing material has been concealed therefrom.

[Handwritten signature]

Ramendra Nath Tripathi
NOTARY
Govt. of India, Gorakhpur

[Handwritten signature]

RESPONDENT NO. 6

THROUGH

COUNSEL

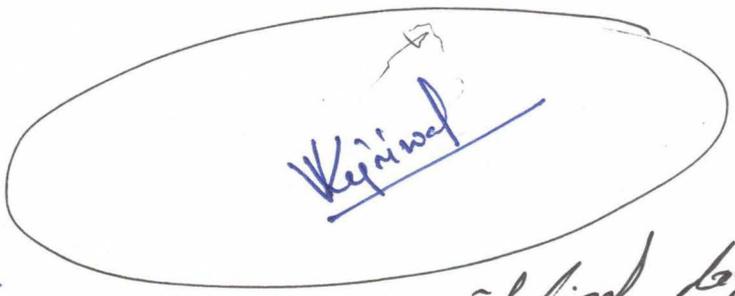
[Handwritten signature]

RAJESH RANJAN
ADVOCATE

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RAJESHRANJAN@ILOLEGAL.COM

2572
Attested The Signature / Thumb Impression of
Shri/Smt./Km. *Vikas Keshri*
Who Signed/Put on this *6/11/25*
and who has Admitted the due Execution of
his *Application* He/She identifies
by Shri. *S. Gupta Adv.*

[Handwritten signature]
6/11/25
Ramendra Nath Tripathi
NOTARY
Govt of India, Gorakhpur



*Identified by
S. Gupta Adv
6/11/25*

ADVANCE SERCE OF REPLY ON BEHALF OF RESPONDENT NO 6 IN EA/40/2024 SUDDU VS MOEF & ORS

From Office <office@ilolegal.com>

Date Fri 07/11/2025 15:59

To bhanwar09jadon@gmail.com <bhanwar09jadon@gmail.com>; cummra3@gmail.com <cummra3@gmail.com>; secy-moef@nic.in <secy-moef@nic.in>; csup@nic.in <csup@nic.in>; dmgor@nic.in <dmgor@nic.in>; sspgkr-up@nic.in <sspgkr-up@nic.in>

 1 attachment (11 MB)

SUDDU REPLY R6.pdf;

PLEASE FIND THE ATTACHED COPY OF REPLY ON BEHALF OF RESPONDENT NO 6 IN EA/40/2024 SUDDU VS MOEF & ORS

REGARDS

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