

3.	ANNEXURE A-2 A copy of the order dated 30.05.2025 passed in OA No. 280/2025 by this Hon'ble Tribunal	8-10
4.	Proof of service	11

Through



RAJINDER KUMAR/ROHIT KUMAR/SHAILENDRA SINGH

New Delhi
Dated:23.07.2025

Counsel for the Appellant
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH AT NEW DELHI**

I.A. No. OF 2025

IN

APPEAL NO. 24 OF 2025

IN THE MATTER OF:

Bal Bharti Public School

... Appellant

Versus

Commission for Air Quality Management in National Capital Region &
Adjoining Areas & Ors

...Respondents

**REPLY TO THE APPLICATION FILED BY THE APPLICANT UNDER
ORDER I RULE 10 READ WITH SECTION 151 OF THE CIVIL
PROCEDURE CODE, 1908**

Most Respectfully Showeth:

1. That the present appeal is pending adjudication before this Hon'ble Tribunal and the next date of hearing is fixed on 28.07.2025.

2. That the present application filed by Applicant Mokshi Bharadwaj is thoroughly misconceived and lacks merit and hence, don't deserve interference of this Hon'ble Tribunal.

3. That the applicant has already approached this Tribunal twice and her OAs have been disposed of by this tribunal vide order dated 20.05.2025 in OA No. 173/2025 and 30.05.2025 in OA No. 280/2025 and on both occasions made bald and baseless allegations against the Appellant without any supporting material or evidence and this Hon'ble Tribunal on both occasions after hearing the Applicant has not chosen to issue notice in the aforesaid two OAs. A copy of the order dated 20.05.2025 passed in OA No. 173/2025 by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE A-1**. A copy of the order dated 30.05.2025 passed in OA No. 280/2025 by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE A-2**.

4. That it is pertinent to mention herein that the present Appellant has filed the instant Appeal challenging the unjust and arbitrary penalty imposed by the UPPCB and CAQM, being the government bodies, and the proposed respondent has no role to play in the said adjudication.

5. That the present Application filed by the Applicant-Mokshi Bharadwaj is in stark violation of the principle of "*Dominus litis*", and the Appellant being the master of Appeal, the proposed Respondent has no role to play in the instant matter.

6. That the present reply is bonafide in nature and in the interest of justice.

Through



RAJINDER KUMAR/ROHIT KUMAR/SHAIENDRA SINGH

New Delhi
Dated:23.07.2025

Counsel for the Appellant
Office at: 10th Floor, HT House,
KG Marg, New Delhi-110001
Mob: 9999353929
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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in National Capital Region & Adjoining Areas & Ors ..

... Respondents

AFFIDAVIT

I, **SWAPNA NAIR**, D/o SH. NARYANAN KUTTY NAIR aged about 43 years, R/o- W/O PRAVEEN GAUTAM 1/4549, GALI NO. 9, MANDOLI ROAD, RAM NAGAR EXTN, SHAHDARA NORTH EAST DELHI, DELHI-110032, do hereby solemnly affirm and declare on oath as under :

1. That I am the Appellant in the aforesaid matter and as such I am well conversant with the facts and circumstances of the case.
2. That the averments made in the accompanying Application has been drafted by my counsel and the contents of the same has been read and understood by me and I say that the same are true and correct to the best of my knowledge and nothing material has been concealed therefrom.
3. That the annexures filed with the Application are true and correct copies of their respective originals.


DEPONENT

VERIFICATION:

I, the deponent above named, do hereby state on solemn affirmation that the contents of the paras 1 to 3 are true and correct to my knowledge and I believe the same to be true and that nothing material has been concealed therefrom. Verified at Ghaziabad on 24/07/ 2025



ATTESTED

R. K. Saenna
Notary, Ghaziabad

24/07/2025


DEPONENT



ANNEXURE A-1

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 173/2025
(I.A. No. 347/2025)

Mokshi Bhardwaj

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.05.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Vishwendra Verma, Advocate

ORDER

1. In this original application, the applicant has prayed for the following reliefs: -

- (i) *direct the government authorities i.e the Respondent to stop the functioning of the Respondent No.11 with immediate effect;*
- (ii) *impose fine and penalty on Respondent No.11 for polluting the air and environment in general exemplary.*

2. The applicant has a grievance against the construction being done by the Respondent No. 11 - Bal Bharti Public School. Learned counsel for the applicant submits that the construction is being raised by the Respondent No. 11 in violation of the norms. On being asked, he could not point out any norms of any competent authority which is being violated in the matter. His further grievance is that the Uttar Pradesh Pollution Control Board (UPPCB) has imposed the penalty, but the penalty amount is inadequate. For such a grievance, he is required to challenge the order of penalty. He has also raised the grievance that though the penalty has been imposed but the penalty amount has not been recovered.

3. The counsel for the applicant during the course of argument himself has disclosed that against the order of penalty, the respondent no. 11 has approached the Tribunal by filing OA No. 272/2025 which is pending for consideration before the Tribunal. He submits that there is no stay in that OA. If that is so, the concerned respondents will always be at liberty to proceed in accordance with law.

4. The prayer no.1 in the OA is blanket in nature to close the Respondent No. 11 school. We do not find any justifiable material to grant such a prayer. In support of the second prayer also no cogent and reliable material has been placed on record. That apart, for the earlier violations by the Respondent No. 11 the requisite action has already been taken by the UPPCB. No reliable material has been pointed by learned counsel for the applicant to show that there is subsequent violation. However, if any subsequent violation takes place, the applicant will be at liberty to approach the competent authority with all the requisite details.

5. In view of the above analysis, no case is made out to issue any further order in the matter.

6. OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

May 20, 2025
Original Application No. 173/2025
(I.A. No. 347/2025)
AS

ANNEXURE A-2

Item No. 09

Court No. 1

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

Original Application No. 280/2025

Mokshi Bhardwaj

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 30.05.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**Applicant: Mr. Vishwendra Verma, Ms. Shivali, Ms. Ekta Tomar & Mr. Ajay Pandey,
Adv.

Respondents: Ms. Qunatulain, Adv. for R - 10 (CBSE)

ORDER

1. In this Original Application (OA), the applicant has made a complaint against Respondent No. 11-Bal Bharti Public School about violations of the environmental norms in raising construction of structures in the premises. The applicant alleges following violations of the environmental norms:

1. Non-registration of the construction project on the SPCB/DPCC portal.
2. Failure to submit self-audit reports and not installing video surveillance for remote monitoring of the site.
3. No deployment of anti-smog guns as required.
4. Ineffective or absent dust mitigation measures, including lack of wind barriers, dust screens and improper storage of construction material.

5. The applicant also alleges dereliction of educational and civil responsibility by the respondent no. 11, School on the following issues:

1. Illegally extracting groundwater without clearance.
2. Failing to install a Sewage Treatment Plant (STP).

3. Using unauthorized Diesel Generator (DG) sets during construction.
4. Operating using a temporary electrical connection, violating safety and power regulations.
5. Not depositing the environmental penalty even after more than three months of its imposition.

6. The plea of the applicant is that though the complaints were made to different authorities but no action had been taken by them till now. The applicant also alleges that the environmental compensation to the tune of ₹34,20,000/- was imposed by the UPPCB, Lucknow but the same has not been recovered till now.

7. The allegations which have been made by the applicant in this OA needs verification at the ground level and if the respondent no. 11 has violated the environmental norms, then requisite expeditious action is required to be taken by the concerned authorities. Records reveal that applicant has already made representation dated 23.05.2025 (page 85) to the Chairman, UPPCB and similar representation of the same date (page 109) to the Municipal Commissioner, Nagar Nigam Ghaziabad. These authorities are directed to duly consider the representations of the applicant and ascertain if the respondent no. 11, School is proceeding with the construction in violation of the environmental norms. If the allegations are found to be correct then the concerned authorities will take appropriate, punitive and remedial action without any delay. So far as the recovery of environmental compensation already levied, is concerned, the Chairman UPPCB will take all possible efforts to affect recovery of the environmental compensation, if there is no legal impediment in this regard.

8. Let this exercise be completed by following the Principles of Natural Justice by the Chairman, UPPCB and the Municipal Commissioner,

Nagar Nigam Ghaziabad as expeditiously as possible probably within a period of eight weeks.

9. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 30, 2025
Original Application No. 280/2025
avt



Adv SHAILENDRA SINGH <advshailendrapsingh@gmail.com>

Service of Reply in Impleadment Application in Appeal No 24/2025 pending before NGT

1 message

Adv SHAILENDRA SINGH <advshailendrapsingh@gmail.com>
To: VERMA.VISHWENDRA@yahoo.co.in

25 July 2025 at 10:06

Respected sir,

PFA reply in your application under Order 1, rule 10 CPC.

--

Regards**Shailendra Pratap Singh****Supreme Court of India****Advocate****Mobile- +91-9910062302****official mailing address****advshailendrapsingh@gmail.com**

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