

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. NO. 789/2025

IN

ORIGINAL APPLICATION NO. 528/2025

IN THE MATTER OF:

SOCIETY FOR PROTECTION OF CULTURE, HERITAGE,
ENVIRONMENT, TRADITIONS & PROMOTION OF
NATIONAL AWARENESS (SP-CHETNA)

.... APPLICANT

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

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Filed by

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Place: New Delhi

Date: 02.04.2026

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

I.A. NO. 789/2025

IN

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IN THE MATTER OF:

SOCIETY FOR PROTECTION OF CULTURE, HERITAGE,
ENVIRONMENT, TRADITIONS & PROMOTION OF
NATIONAL AWARENESS (SP-CHETNA) APPLICANT

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**REPLY ON BEHALF OF RESPONDENT NO. 7 - DELHI INTERNATIONAL
AIRPORT LIMITED TO THE APPLICATION FILED BY THE APPLICANT
SEEKING AMENDMENT OF PRAYERS IN OA NO. 528/2025**

MOST RESPECTFULLY SHOWETH:

1. The Applicant has filed the present application under Rule 24 of the National Green Tribunal (Practice and Procedure) Rules, 2011 ('**NGT Rules**') seeking amendment of the prayers in the Original Application No. 528/2025 ('**OA**').
2. Respondent No.7- Delhi International Airport Limited ('**R7/DIAL**') has read and understood the contents and purport of the Application and vehemently denies and refutes each and every submission, contention and averment made in the Application for being false and misleading, save and except what are matters of record and/or specifically admitted hereinunder. The present reply is being filed by Mr. Puskar Nath Thakur, who is working as Chief Commercial Officer, and has been duly authorised by the R7/DIAL to file the

present reply on behalf of the R7/DIAL vide Board Resolution dated 26.05.2023.

3. By way of the present Application, the Applicant seeks to add prayers to the present OA, seeking directions to all respondents including R7/DIAL to comply with (i) the requirements set out under the Requirement and Procedure for Monitoring Ambient Noise Level due to Aircrafts – 2008 (**‘CPCB Circular’**) issued by the R2/CPCB and Circular dated 18.12.2014 (**‘DGCA Circular’**) issued by the R5/DGCA regarding installation of Noise Monitoring Terminals (**‘NMTs’**); and (ii) directions under this Hon’ble Tribunal’s Judgment dated 24.11.2017 to implement mixed mode use of runways at the Indira Gandhi International Airport, New Delhi (**‘Delhi Airport’**).
4. The present Application is not maintainable as the issues raised in the OA and the consequent additional prayers that are being sought through the present Application, are barred by the principles of res judicata and constructive res judicata. It is prayed that the Reply dated 20.01.2026 filed by R7/DIAL to the OA (**‘Reply dated 20.01.2026’**), may be read as part and parcel of the present reply to the Application, and its contents are not repeated herein for the sake of brevity.

PRELIMINARY SUBMISSIONS

- I. ***The reliefs pertaining to installation of NMTs are barred by constructive res judicata and R7/DIAL is compliant to the CPCB and DGCA Circulars***
5. At the very outset, the allegations levelled by the Applicant relating to non-compliance by R7/DIAL to the stipulations under CPCB and DGCA Circulars are factually incorrect and vexatious. The compliance to CPCB and DGCA

Circulars has been dealt with in detail in the Reply dated 20.01.2026, as such the same is not repeated herein for sake of brevity.

6. Additionally, the reliefs pertaining to compliance under the CPCB and DGCA Circulars are barred by the principles of constructive res judicata as the Applicant in its earlier proceedings in Original Application No. 612/2023 ('OA 612/2023') was fully aware of the applicability of the DGCA and consequently the CPCB Circular (as the DGCA Circular is based on the CPCB Circular), which is evident from the following:
 - i. In OA 612/2023, the Applicant initially raised concerns regarding non-compliance with ambient noise levels at the Delhi Airport in terms of the MoEF Notification.
 - ii. R7/DIAL, in its Reply, categorically confirmed compliance with the DGCA Circular, (which refers to the CPCB Circular), governing the location and sufficiency of NMTs. The same position was reiterated by R5/DGCA in its Reply.
 - iii. In its Rejoinder to the R7/DIAL Reply, the Applicant went further and expressly alleged that DIAL had failed to install NMTs within the landing funnel zones in terms of the CPCB and DGCA circulars, which are identical to the allegations now forming the basis of the present OA.
 - iv. Applicant also asserted that the DGCA Circular was "wholly misconceived" and "irrelevant" for implementation of the MoEF Notification.
7. Thus, through the replies filed by R7/DIAL and R5/DGCA in OA No. 612/2023, the Applicant was fully aware of the applicable DGCA and CPCB Circulars governing both, the sufficiency and location of the NMTs. The

Applicant was specifically informed that R7/DIAL had installed five NMTs in accordance with the said circulars. However, the Applicant in its Rejoinder in OA 612/2023, stated that the DGCA Circular is wholly irrelevant to the implementation of the MoEF Notification (contrary to the stand taken in the present OA). As such, the Applicant consciously elected not to pursue any grievance relating to alleged non-compliance with the DGCA Circular and CPCB Circular in OA No. 612/2023. Instead, the Applicant expressly confined its submissions only to the issue of implementation of the MoEF Notification. This conscious abandonment is expressly recorded by this Hon'ble Tribunal in Paragraph 51 of the Judgment dated 21.03.2024.

8. This is in stark contrast to the Applicant's position in the present OA, where the Applicant now alleges that the noise levels at the Delhi Airport are not compliant of the MoEF Notification as R7/DIAL has not installed the NMTs in accordance with the CPCB and DGCA Circulars (when in its Rejoinder to OA 612/2023, the Applicant has stated that the DGCA and CPCB Circulars are wholly irrelevant to the implementation of the MoEF Notification). The Applicant, having been made aware that R7/DIAL was complying with the noise levels stipulated in the MoEF Notification as it had installed 5 (five) NMTs as per the stipulations set out in the DGCA and CPCB Circulars i.e., with regard to sufficiency and location of the NMTs, had every opportunity to seek enforcement of the conditions under circulars issued by R5/DGCA and R2/CPCB, or to challenge their supposed non-compliance during the proceedings in OA 612/2023. The Applicant, however, consciously elected not to pursue these grounds.
9. According to the principle of constructive res judicata, an adjudication attains finality not only in respect of issues already actually decided, but also in respect of issues where the opportunity was available to the Applicant and ought to have been raised by it. In the instant matter, the Applicant had full opportunity to raise issues regarding alleged non-compliance with the DGCA and CPCB Circulars in OA 612/2023 proceedings, however by consciously abandoning to pursue them, the Applicant is barred under the principle of constructive res judicata to re-litigate these issues in the present proceedings.

II. *Reliefs relating to implementation of mixed mode use are barred by the principle of res judicata and R7/DIAL undertakes mixed mode use of runways at Delhi Airport*

10. At the very outset, the allegations levelled by the Applicant relating to non-implementation of mixed mode use by R7/DIAL are false and vexatious. As set out in the Reply dated 20.01.2026, R7/DIAL has been implementing mixed use of runways at Delhi Airport. In fact, the reliance of Applicant on the AAI's data is also misconceived, as correct analysis of that data, also reinforces R7/DIAL's assertion relating to implementation of mixed mode use of runways located in southern runways (29L/11R and 11L/29R) and northern runways (10/28 and 09/27). In this respect, the R7/DIAL craves the leave of this Hon'ble Tribunal to rely upon the contents of Reply dated 20.01.2026 which are not repeated herein for sake of brevity.
11. Additionally, the implementation of mixed mode use of runways by R7/DIAL has also been confirmed by this Hon'ble Tribunal at several instances in the previous litigations. As such, the Applicant is barred by principle of res judicata, to raise this allegation again, in the present OA.
12. This Hon'ble Tribunal by way of Judgment dated 24.11.2017 in Appeal No. 60/2013 had directed R7/DIAL to implement noise mitigation measures at the Delhi Airport. Accordingly, R-7/DIAL implemented mixed mode use of runways as one of the noise mitigation measures at the Delhi Airport. Thereafter, vide the Action Taken Report dated 21.06.2019, filed in Execution Application No. 24/2019, R7/DIAL had also demonstrated to this Hon'ble Tribunal the implementation of mixed mode use as one of the noise mitigation measures enforced at the Delhi Airport. In view of which, this Hon'ble Tribunal vide its order dated 18.09.2019 disposed of the Execution Petition No. 24/2019.
13. Additionally, the R7/DIAL issued circulars dated 24.08.2021, 28.04.2022 and 29.05.2023 advising aviation stakeholders to follow the mix mode operation

effectively, which were also placed by R7/DIAL before this Hon'ble Tribunal along with its Reply to OA 612/2023. This Hon'ble Tribunal reproduced the relevant portion of Action Taken Report dated 21.06.2019 at Para 24 of the Judgment dated 21.03.2024 noting implementation of mixed mode use of runways at Delhi Airport. Therefore, in view of proper implementation of mixed mode use of runways by the R7/DIAL coupled with the finality attained on this issue by this Hon'ble Tribunal by order dated 18.09.2019 and Judgment dated 21.03.2024, the present Application ought to be dismissed.

14. The power to amend must be exercised judiciously when the dispute has already been decided on merits in an earlier proceeding. The net effect of granting amendment would result in the Applicant having an opportunity to reagituate the issue regarding compliances once again which would circumvent the bar of res judicata. Accordingly, filing of the present Application constitutes a clear abuse of the process of law, as it seeks to reopen issues that have already been finally decided. Therefore, the present Application deserves to be rejected with exemplary costs.

PARA-WISE REPLY

1. The contents of **Para 1** needs no specific response as R7/DIAL has challenged the maintainability of the said OA by way of a comprehensive Reply dated 20.01.2026.
- 2-5. The contents of **Paras 2-5** are incorrect and denied for the reasons set out in the Preliminary Submissions r/w Reply dated 20.01.2026, which are not repeated here for the sake of brevity.

PRAYERS

- a. In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present Application; and

b. Pass any other order/ direction that this Hon'ble Tribunal may deem fit in the facts and circumstances of the present Application and in the interests of justice.



Through:

**MILANKA CHAUDHURY | ASHLY CHERIAN |
SHIVANKAR SUKUL**
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Email: shivankar.sukul@trilegal.com

Place: New Delhi

Date: 02.04. .2026

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AFFIDAVIT

I, Puskar Nath Thakur, s/o Jahnabi Shekhar Thakur, aged about 45 years, available at New Udaan Bhawan, Terminal 3, Opposite ATC Complex, International Terminal Indira Gandhi International Airport New Delhi-110037, working as Chief Commercial Officer, do hereby solemnly affirm and state as under:

1. I am the authorised to represent Respondent No.7-Delhi International Airport Limited ('R-7/DIAL') in the captioned matter by the Board Resolution dated 26.05.2023. I am fully conversant with the facts and circumstances of the present matter and therefore, competent to swear and depose this Affidavit.
2. That the contents of the accompanying Reply have been read and understood by me. It was drafted under my instructions and contents of stated theine are true as per my information based upon the official records maintained by the R-7/DIAL. The statements



A handwritten signature in blue ink, appearing to be 'Puskar Nath Thakur'.

of facts are true and correct to my knowledge and the legal submissions are believed to be correct as per the advice of my counsel.

- 3. That the annexures accompanying the present Reply are true copies of their respective originals.



Signature
 DT 30/15/2023
 I identify the deponent who has signed by TI in my Presence

VERIFICATION

Puskar Nath Thakur, the above-named deponent, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.



Verified on this 02 APR 2026 day of April 2026



ATTESTED
Signature
 NOTARY PUBLIC, INDIA
 02 APR 2026