

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

I.A. NO. 728 OF 2025

in

APPEAL NO. 62 OF 2025

IN THE MATTER OF:

RAJPAL SAINI AND ANOTHER... .. APPELLANTS

VERSUS

UNION OF INDIA AND OTHERS... .. RESPONDENTS

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PLACE: NEW DELHI

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**Reply to Application filed on behalf of Respondent No. 3 to
Implead Municipal Corporation of Delhi (MCD) and Central
Pollution Control Board (CPCB)**

It is most respectfully showeth –

1. That the present Application has been filed by Respondent No. 3 to implead the Municipal Corporation of Delhi (MCD) and the Central Pollution Control Board (CPCB) as parties to the present Appeal. This Hon'ble Tribunal vide its order dated 19.11.2025 has permitted the Appellants to file a reply to the Application.
2. That the present Appeal has been filed under Section 16(h) of the National Green Tribunal Act 2010 against the environmental clearance dated 18.06.2025 granted by the Ministry of Environment, Forest and Climate Change (MoEFCC), Respondent No. 1 herein to Respondent No. 3 under the provisions of the EIA Notification 2006. The environmental clearance has been granted for the setting up of a Waste to Energy (WTE) Thermal Power Project of

capacity 30 MW in DSIIDC Industrial Area, Sector 5, Village Bawana, Sub-District Narela, District North Delhi.

3. That the averments made and grounds taken in the Appeal are reiterated and not repeated here for the sake of brevity. The Appellants crave leave to refer and rely upon the same at the time of hearing of this Application.
4. That averments made in the Application are denied, unless specifically admitted hereinafter, and no averment may be taken as being admitted merely for want of specific denial.
5. That as per the EIA Notification 2006, Category A projects (such as the project in question herein) are granted clearance by the MoEFCC. The grant of clearance is based on recommendations given by Expert Appraisal Committees (EACs) set up by the MoEFCC. Furthermore, the enforcement of the conditions stipulated in the EC is the responsibility of the Regional Office of the MoEFCC. In the present case, several grounds have been raised regarding the non-application of mind by the MoEFCC and the EAC to crucial environmental and health concerns before granting environmental clearance to a highly polluting industry in one of the hotspots of Delhi. Therefore, MoEFCC is a necessary and proper party to the case.
6. That the concerned State Pollution Control Board or Pollution Control Committee is responsible for carrying out the public consultation under the EIA Notification 2006. This includes the organisation of the public hearing, and preparing, finalising and submitting minutes of the public hearing accurately reflecting all the views and opinions

expressed during the hearing. In the present case, the Delhi Pollution Control Committee, Respondent No. 2 herein, organised the public consultation. Detailed submissions with regard to the manner in which the public consultation was organised, the inaccurate minutes of the public hearing, and how the public consultation violated the provisions of the EIA Notification have been made in the Appeal. Therefore, the DPCC is a necessary and proper party to the case.

7. That under the EIA Notification 2006, an environmental clearance is granted to the project proponent who has applied for it. The project proponent is required to submit all the information relating to the project and respond to all queries that the EAC or the MoEFCC may have. The environmental clearance once granted can also be transferred to another party by the project proponent. In the present appeal, the project proponent concealed important data about the environmental and health impact assessment of the project, it did not conduct the necessary studies including cumulative impact assessment and carrying capacity studies, and it provided misleading information as part of its application. Therefore, it is a necessary and proper party to the present appeal.
8. That the main prayer in a statutory appeal under Section 16(h) of the NGT Act is the setting aside of an environmental clearance granted under the provisions of the Environment (Protection) Act 1986. Therefore, apart from the respondents currently impleaded, there are no other necessary parties.
9. That according to Respondent No. 3, MCD is the owner of the project site and the authority granting the concession to

Respondent No. 3. The MCD has a key role to play with waste management in the city and for that reason makes several policies and decisions pertaining to waste management facilities. However, under the provisions of the EIA Notification and for the purpose of grant of the Impugned Order (i.e. the EC), the MCD has no statutory role. No relief has been claimed against the MCD, and it is thus not a necessary party to the present Appeal.

10. That it is respectfully submitted that the CPCB does not have any regulatory or enforcement role under the EIA Notification 2006. While the guidelines and standards with regard to waste management and waste management facilities issued by the CPCB are relevant to the present Appeal, CPCB itself has no role to play in the present adjudication. The EAC and the MoEFCC should have applied their minds to the blatant non-compliance of the 2019 Amended Guidelines on the Provisions of Buffer Zone around Waste Processing and Disposal Facilities issued by the CPCB. The CPCB has no statutory role in the grant of the Impugned EC, and no relief has been sought from the CPCB, it is thus not a necessary party to the present Appeal.
11. That there are a catena of judgments laying down who is a necessary and proper party in the context of the Civil Procedure Code. It has been held by the Hon'ble Supreme Court of India in *Kasturi v Iyyamperumal* (2005) 6 SCC 733:
 7. ... From the above, it is now clear that two tests are to be satisfied for determining the question who is a necessary party. Tests are — (1) there must be a right to some relief against such party in respect of the

controversies involved in the proceedings; (2) no effective decree can be passed in the absence of such party.

12. That the Hon'ble Supreme Court in *Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd.* (2010) 7 SCC 417 has held:

15. A “necessary party” is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a “necessary party” is not impleaded, the suit itself is liable to be dismissed. A “proper party” is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.

13. That it is respectfully submitted that the MCD and CPCB are not necessary parties to the present Appeal. However, the Hon'ble Tribunal may in its discretion consider their assistance to be helpful in effectively and appropriately adjudicating the present dispute, and it may direct their impleadment/ intervention as proper parties.

Filed by:


Shibani Ghosh
Advocate for the Appellants

New Delhi
09.12.2025

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AFFIDAVIT

I, Rajpal Saini, son of Hardayal Singh, resident of House No. 74, Saini Mohalla, Village – Sannooh, Narela, Bhor Garh, North-West Delhi, Delhi - 110040, aged about 68 years, do hereby solemnly affirm, and declare as under:

1. That I am Appellant No. 1 in the present Appeal and am fully conversant with the facts of the case and am hence competent to affirm this Affidavit.
2. That the accompanying Reply to the Application for Impleadment filed by Respondent No. 3 has been prepared by my Advocate under instructions received from me and the contents of the same have been explained to me in Hindi.
3. That the content of the accompanying Reply to the Application is true to my knowledge, and nothing material has been concealed therefrom.



Rajpal Saini

DEPONENT

VERIFICATION

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

Verified at New Delhi on this the _____ day of December 2025.

I identified the Deponent who has signed in my presence

08 DEC 2025



Rajpal Saini

DEPONENT

VERIFIED THAT THE DEPONENT
Smt./Smt./km
W/o D/o
Identified
has gone through the
Affidavit on
that the Contents of
been read and explained to him
correct to his knowledge
are me at
No.
at which have
that are true and
Date

08 DEC 2025

Advance service of Reply to IA 728 of 2025 in Appeal No. 62 of 2025 in NGT

1 message

Shibani Ghosh <shibanighosh83@gmail.com>

9 December 2025 at 18:01

To: PRAMOD GUPTA <induslaw77@gmail.com>, Suhasini Sen <suhasini.sen@gmail.com>, UNUC Legal LLP <unuconsultants@gmail.com>

Dear Ma'am/ Sir,

Please find attached Reply on behalf of the Appellant to I.A. No. 728 of 2025 in Appeal No. 62 of 2025 (*Rajpal Saini and Another v Union of India and Others*) filed by Respondent No. 3.

A copy of this email will be filed as proof of service on the parties.

Many thanks and regards,
Shibani Ghosh
Advocate for the Appellants
9871437801

 **Rajpal Saini v UoI Reply to IA 728 of 2025 09122025.pdf**
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