

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 37 OF 2024
IN
ORIGINAL APPLICATION NO. 162 OF 2024**

IN THE MATTER OF:

MOHIT RAWAL & ORS.APPLICANTS
VERSUS
STATE OF UTTAR PRADESH & ORS.RESPONDENTS

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FILED BY:

Utkarsh Sharma

[UTKARSH SHARMA]

Counsel for Respondent No. 14

139, Setalvad Block,

Supreme Court, New Delhi-110001

Mob:+91-9312061203

E-mail: utkarsh.sharma7@gmail.com

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**REPLY ON BEHALF OF RESPONDENT NO. 14 WITH
SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. That the present Reply to the Execution Application is being filed on behalf of Respondent No. 14, in his capacity as the Sole Proprietor of Malik Agro Overseas.
2. That pursuant to a Memorandum of Understanding entered into between Respondent No. 14 and the concerned authorities of the State of Uttar Pradesh under the Invest in UP Investment Scheme, 2023 of the Uttar Pradesh Government, Respondent No. 14 wanted

to establish a commercial layer poultry farm in Village Kalamajra in District Shamli, in terms of the Poultry Development Policy, 2022 floated by the State of Uttar Pradesh, aiming to make the State self-sufficient in egg production and poultry products and reduce reliance on imports.

3. That since the inception, there have been various attempts made by a certain group of individuals to undertake large-scale extortion from the Respondent No. 14 and to impose hurdles in the path of establishment of the poultry farm, through filing of various baseless complaints before several authorities. Several misrepresentations and false statements were made in such complaints by this group of people, with the sole intention of harassing the Respondent No. 14 and to make him succumb to the illegal demands of these individuals, which also included the Applicants herein.

4. That in furtherance of the above intention, Original Application No. 162 of 2024 was filed by the Applicants making claims that Respondent No. 14 is carrying out certain illegal operations without requisite permissions and clearances. The said Original Application was disposed of by this Hon'ble Tribunal, without notice to Respondent No. 14, vide order dated 20.02.2024, which is reproduced herein below for ready reference:

“1. In this original application, the Applicant has raised the grievance against establishment of layer poultry farm by Respondent No. 15, in the name of Malik Agro Overseas, in the close proximity of residential areas of Kalamajra and Miyan Kasba Villages, District Shamli, Uttar Pradesh.

2. The Applicant has alleged that the said project proponent had illegally availed approval and there is a lack of prior Environmental Clearance (EC) and violation of conditions stipulated by Respondent No. 14 in the process of establishment of layer poultry farm.

3. *The OA raises substantial issue relating to compliance of environmental norms. Having regard to the nature of grievance raised in the OA, we are of the opinion that the issue needs to be first looked into by the Member Secretary, State Pollution Control Board who will ascertain the correct factual position after obtaining the status from the spot and also the status of various environmental clearances which are required by the project proponent and, if any, violation is found will take appropriate action in accordance with law.*
 4. *Hence, we dispose of the OA directing the Member Secretary, SPCB to do the needful in terms of the above in accordance with law expeditiously.*
 5. *A copy of this order be forwarded to the Member Secretary, SPCB by e-mail for compliance.”*
5. That it is clear from a perusal of the order dated 20.02.2024 passed by this Hon'ble Tribunal that by way of the said order, this Hon'ble Tribunal had simply directed the Uttar Pradesh Pollution Control Board to

look into the matter and take action in accordance with law.

6. That pursuant to the passing of the order dated 20.02.2024 passed by this Hon'ble Tribunal, the Uttar Pradesh Pollution Control Board had, without any intimation or information to Respondent No. 14, purportedly conducted an inspection of the concerned site on 16.03.2024 and basis thereof, had issued an order dated 02.04.2024 under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981, restraining Malik Agro Overseas, through Respondent No. 14, from establishing a poultry farm on the concerned site, citing violation of Clause 7, containing the Siting Criteria, of the Environmental Guidelines for Poultry Farms, issued by the Central Pollution Control Board. It is pertinent to mention that UPPCB also specifically noted in its order dated 02.04.2024 that no construction work was being undertaken by

Respondent No. 14 on the site, negating the false claims made by the Applicants to the contrary.

7. That in the meanwhile, the captioned Execution Application came to be filed by the Applicants, claiming that certain khasra numbers were not mentioned in the earlier order of UPPCB, enabling the Respondent No. 14 to continue construction on the site.
8. That immediately after filing of the Execution Application, another inspection of the concerned site was purportedly conducted by the UPPCB on 25.09.2024, along with the Applicants, leading to another order being passed by the UPPCB on 22.10.2024, extending the scope of the restraint order dated 02.04.2024 to other parts of the concerned site, on the same ground of violation of Clause 7 of the Environmental Guidelines for Poultry Farms. It was again observed in the order dated 22.10.2024 that no

work is being undertaken at the site by Respondent No. 14.

9. That it is apposite to highlight that both the above inspections were conducted by the UPPCB without providing any prior information to Respondent No. 14 and subsequent orders were passed without affording any opportunity to Respondent No. 14 to rebut the findings of the inspection. It is respectfully submitted that it is the case of the Respondent No. 14 that the officers of the Muzaffarnagar Regional Office of UPPCB have committed a mistake and have wrongly held the concerned site to be in violation of the siting criteria, as laid down by the CPCB in the Environmental Guidelines for Poultry Farms. The said fact can also be easily ascertained through a fresh and transparent inspection of the concerned site.
10. That the Respondent No. 14 has already highlighted his grievances in this regard to UPPCB and other

authorities and is in the process of availing his remedies, as available to him under law, against the said orders passed by the UPPCB, and is therefore not entering into the scrutiny of such orders herein on merits, since the validity of the orders passed by UPPCB cannot be made the subject matter of scrutiny and challenge in the captioned Execution Application.

11. That it is clear from the above facts that pursuant to order dated 20.02.2024 passed by this Hon'ble Tribunal in Original Application No. 262 of 2024, steps have already been taken by UPPCB in compliance thereof and certain orders have been passed.

12. That it is pertinent to highlight that it is settled law that the scope of execution proceedings cannot be extended beyond the original proceedings and the original order sought to be executed and since in the present case, the original order dated 20.02.2024 stands

fully complied with, nothing survives for adjudication in the captioned Execution Application.

13. That the Applicants, through an Application for Directions, are seeking a fresh set of directions from this Hon'ble Tribunal and seeking to go beyond the scope of the original order dated 20.02.2024 passed by this Hon'ble Tribunal, which, as per the respectful submission of Respondent No. 14, cannot be done in the present proceedings.

14. That in such circumstances, it is respectfully prayed that the present Execution Application may kindly be disposed of.

FILED BY:

Utkarsh Sharma

[UTKARSH SHARMA]

Counsel for Respondent No. 14

139, Setalvad Block,

Supreme Court, New Delhi-110001

Mob:+91-9312061203

E-mail: utkarsh.sharma7@gmail.com



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...APPLICANTS

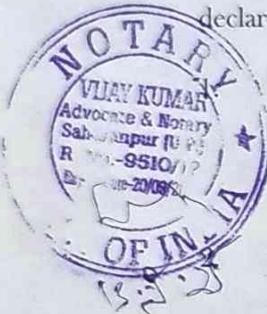
VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

AFFIDAVIT

I, Shashaank Malik, S/o Mr. Subhash Malik, aged 26 years, R/o 26, Delhi Road, South City, Saharanpur, Uttar Pradesh-247001, do hereby solemnly affirm and declare as under:-



That I am the Sole Proprietor of Malik Agro Overseas and am fully conversant with the facts of the present case. I am also duly authorized to affirm this Affidavit.

That I have read and understood the contents of the accompanying Reply to the aforementioned Application, which has been drafted under my instructions and I state that the contents of the same are true and correct to the best of my knowledge derived from the records maintained during the course of usual business by Malik Agro Overseas.

3. That the Annexures annexed to the present Reply are true and correct copies of their respective originals.

Shank
DEPONENT

Identified by

Shank

VERIFICATION

Verified at Saharanpur on this day of May, 2025 that the contents of the above affidavit are true to my knowledge, no part of it is false, and nothing material has been concealed therefrom.

certified that on
who is identified by
at
before me and admitted it on oath after
hearing and understanding
Saharanpur
J P INDIA
S. S. Malik
Subhash Malik
Vijay Kumar
Advocate & Notary
13.5.25

Shank
DEPONENT