

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

I.A. No. 822 OF 2023

IN

ORIGINAL APPLICATION NO. 406 OF 2023

**IN THE MATTER OF:**

BABAR ALI

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

... RESPONDENTS

**INDEX**

S/No.	PARTICULARS	PAGE NOS.
1.	Reply on behalf of Respondent No. 4 to the Application filed by the Proposed applicants for substitution of the applicant in the captioned matter along with affidavit.	1-9
2.	<b>Annexure R-1:</b> A copy of the report of In-charge Medical Officer dated 08.09.2023.	10-12
3.	<b>Annexure R-2:</b> A copy of the report of the District Agriculture Officer dated 01.09.2023.	13
4.	<b>Annexure R-3:</b>	14 - 26

	A copy of the transcript of the video along with its translation.	
5.	Vakalatnama	27

service proof@28-29



**ANUNAYA MEHTA**  
ADVOCATE FOR THE RESPONDENT NO. 4  
CHAMBER NO. 388, BLOCK – 2  
DELHI HIGH COURT  
NEW DELHI  
9899834055 || [anunaya.mehta@gmail.com](mailto:anunaya.mehta@gmail.com)

NEW DELHI  
DATED: 25.01.2024

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

I.A. No. 822 OF 2023

IN

ORIGINAL APPLICATION NO. 406 OF 2023

**IN THE MATTER OF:**

BABAR ALI

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

... RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 4 TO THE  
APPLICATION FILED BY THE PROPOSED APPLICANTS FOR  
SUBSTITUTION OF THE APPLICANT IN THE CAPTIONED  
MATTER**

-----  
**MOST RESPECTFULLY SHOWETH**

1. By way of the Application dated 17.11.2023, the applicants i.e. Mohd. Farman and Ruksana, have prayed for substitution as the main applicant in the captioned matter. The same has been done on account of the passing away of the Original Applicant i.e., Mr. Babar Ali on 28.08.2023.
2. The proposed applicants i.e., Mohd. Farman and Ruksana have sought substitution on the ground that: (a) they are the son and wife of Mohd. Matloob respectively, who allegedly passed away due to cancer; and (b) they are neighbours of Mr. Babar Ali and have

concern for the environment and support the cause for which the captioned matter has been filed.

3. Respondent No. 4 states and submits that no part of the application may be deemed to be admitted on account of non-traverse in the present reply. The submissions made therein, unless specifically and categorically agreed, are denied *in toto*. Respondent No. 4 is making relevant submission in this reply and reserves its right to file a detailed reply to the captioned OA at a later stage.
4. In the submission of the Respondent No. 4, the present Application lacks merit and deserves to be dismissed outright. In this regard, it is submitted that an application for substitution has to be made either by the legal representative of the deceased applicant or by a person upon whom any interest has devolved. In the present case, it is the admitted case that the proposed Applicants, Mohd. Farman and Ruksana, acknowledge themselves that they are the neighbours of the Original Applicant, Mr. Babar Ali, and not his legal representatives. Moreover, it is also clear that no interest has devolved upon the proposed Applicants. In such circumstances, the application deserves to be dismissed outrightly.
5. Additionally, the application also deserves to be dismissed since continuation of the present proceedings would be contrary to the interest of justice. The captioned Petition had been filed making outrageous claims that the unit of Respondent No. 4 in question had caused environmental pollution by means of illegal disposal of toxic waste causing groundwater pollution, pollution of the nearby drain and of the village pond. All these allegations have been completely and categorically negated by the joint inspection report submitted by

the UPPCB and State of UP as well as the subsequent joint inspection report submitted by the CPCB, UPPCB and State of UP. It has categorically been observed in the said reports that the unit has scrupulously been following ZLD norms and no part of the effluent / treated effluent is being discharged by the unit outside. Additionally, it has been determined that groundwater is within norms and the pollution in the drain and in the village pond cannot be attributed in any manner to the Respondent No. 4 unit. The averments of the Applicant with respect to the cause of death allegedly due to pollution discharged by the Respondent No. 4 is also negated by the reports of In-charge Medical Officer dated 08.09.2023, which categorically mention that in nearby 4 villages, there were no patients who were affected by the pollution allegedly discharged by the Respondent No. 4. It is important to note that the medical reports submitted in the captioned matter are of the persons suffering from oral cancer, which is due to chewing of tobacco and not due to the purported pollution allegedly from the unit of Respondent No. 4. Further, the report of the District Agriculture Officer dated 01.09.2023 further substantiates that in the region of 5 km around the unit of Respondent No. 4, there was no evidence of any crop being damaged due to the operations of the unit of Respondent No. 4 in that area. The copies of the above referred letters dated 08.09.2023 and 01.09.2023 are annexed hereto as **Annexure R- 1 and R-2** respectively.

6. The two joint-inspection reports make it more than evident that the present Petition had been filed by the Applicant with ulterior and *mala fide* motives to somehow blame the Respondent No. 4 without any truth therein in order to usurp some undue benefits. This is even

evident from a video that Respondent No. 4 has recently come across wherein an individual, who is identifying himself as Mr. Shaiem Hasan in the video, claims to be associated with the present matter as an Advocate. The said person i.e., Mr. Shaiem Hasan is seen in the video engaging in continuous solicitation within the Nirana village community to gather affidavits supporting the outrageous claims made in the captioned matter against the Respondent No. 4, while clearly referring to the proceedings in present matter. A copy of the transcript of the contents of the video along with its translation are annexed herewith and marked as “**Annexure R-3**”.

7. Upon careful examination of pleadings filed in the present application on behalf of Applicant Babar Ali (now deceased) and also the application for substitution namely as Mohd. Farman and Ruksana, said Mr. Shaiem Hasan, who is seen soliciting people in the above stated video, has identified the signature of Babar Ali as deponent before the Notary in the Affidavit in the Original Application. It is important to note that the said Mr. Shaiem Hasan has also identified the signatures of proposed applicants i.e., Mohd. Farman and Ruksana as deponent in the affidavit in the present substitution application. Apparently, Mr. Shaiem Hasan has not only been soliciting but also inducing the general people to file false and frivolous cases against the Respondent No. 4. The said act of Mr. Shaiem Hasan has not only resulted in filing of false case, as can be seen in the report of the Joint Committee but has also resulted in the wastage of precious time and resource of the Hon’ble Tribunal as well as of the CPCB and UPPCB.

8. It is clearly evident that neither the original Applicant Babar Ali (now deceased) nor the persons seeking substitution i.e., Mohd. Farman and Ruksana had any grievance against Project Proponent but they are simply motivated under undue influence to file and pursue the present Application.
9. The act of Mr. Shaiem Hasan, as depicted in the video, is in clear violation of Rule 36 of Bar Council of India Rules, wherein advocates are prohibited from soliciting work or advertising their services in any manner, and is therefore completely illegal and unlawful. Therefore, the presented video raises legitimate concerns regarding the conduct of Mr. Shaiem Hasan in his pursuit of gathering support for the alleged claims against Respondent No. 4 in the captioned matter.
10. In the Respondent's submission, it is reasonable to conclude that the Proposed Applicant's substitution in the captioned matter by way of the Application under reply is consequent to the aforesaid illegal act of solicitation, as depicted in the video. The present Application is influenced by the aforesaid solicitation, and is the direct result of such illegal act. While the Respondent No. 4 reserves the right to take action against the advocate in question, independently, under provisions of the Advocates Act, 1961, in the Respondent's submission, these facts deserve to be considered for the purposes of the present application as well.
11. In view of the above, in the submission of Respondent No. 4, continuation of the present proceedings would be an abuse of the process of law and deserve to be dismissed.

**PARA-WISE**

1. The contents of Paragraph 1 of the Application pertain to matter of record and hence, merit no response. However, it is denied that there has been a discharge of untreated effluents by Respondent No. 4.
2. The contents of Paragraph 2 of the Application pertain to matter of record and hence, merit no response.
3. The contents of Paragraphs 3 of the Application pertain to facts in relations to the present applicants and hence, merit no response.
4. The contents of Paragraph 4 of the Application are without merit and are liable to be rejected for the reasons aforesaid. The same are not being repeated for the sake of brevity.
5. The contents of Paragraph 5 of the Application merits no response since the present application is only for the substitution of the Original Applicant.
6. The contents of Paragraph 6 of the Application are without merit and are liable to be rejected for the reasons aforesaid. The same are not being repeated for the sake of brevity. It is however reiterated that the Applicants are not entitled to be substituted in place of the Original Applicant.
7. The prayers sought in the Application are without merit, completely baseless, and liable to be rejected for the reasons aforesaid.

In view of the above, it is submitted that the Applicants are not entitled to the relief sought in the Application and this Hon'ble Tribunal ought to dismiss the Application.

RESPONDENT NO. 4  
THROUGH



**ANUNAYA MEHTA**  
ADVOCATE FOR THE RESPONDENT NO. 4  
CHAMBER NO. 388, BLOCK - 2  
DELHI HIGH COURT  
NEW DELHI  
9899834055 || [anunaya.mehta@gmail.com](mailto:anunaya.mehta@gmail.com)

NEW DELHI  
DATED: 24.01.2024

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

I.A. No. \_\_\_\_\_ OF 2023

IN

ORIGINAL APPLICATION NO. 406 OF 2023

**IN THE MATTER OF:**

BABAR ALI

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

... RESPONDENTS

**AFFIDAVIT**

I, Rajeev Vihan, aged about 58 years, s/o Rajan Singh, resident of A-402, Ivory Tower GH-4, Sector -5, Vasundhra, Ghaziabad, Uttar Pradesh – 201012, India do hereby solemnly affirm and declare as under:

1. That I am the authorised representative of the Respondent No. 4 in the above-mentioned Reply and am well conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That I state that I have read and understood the contents of the accompanying Reply. The same has been drafted by counsel under my instructions. I state that the contents are true and correct to my knowledge, and on the basis of legal advice received and believed to be true. Nothing material has been concealed.



PRERNA TYAGI  
NOTARY  
MUZAFFARNAGAR



24 JAN 2024

**VERIFICATION:-**

Verified at MUZAFFARNAGAR on this 24<sup>th</sup> day of January 2024 that the contents of my above affidavit are true and correct to my knowledge and no part thereof is false and nothing material has been concealed therefrom.

NOTARY

DEPONENT  
ALCO-DIV.  
Muzaffarnagar



Identified by  
PARDEEP KUMAR  
Advocate  
Ex.D.G.C. (Civil)  
Ch.No.C-28, Reg.No.-1978/05  
Collectorate, Muzaffarnagar  
Mobile-9411030675  
E-mail: adheer.steja@rediffmail.com

PRERNA TYAGI  
NOTARY  
MUZAFFARNAGAR

12 4 JAN 2024

पत्रांक- प्र0चि0अ0/मेघा0/प्र0नि0बो0 सूचना/2023-24/137

दिनांक-08/09/2023

प्रेषक-

प्रभारी चिकित्सा अधिकारी,  
प्रा0स्वा0 केन्द्र मेघाखेडी,  
मुजफ्फरनगर

सेवा मे,

श्रीमान मुख्य चिकित्सा अधिकारी  
मुजफ्फरनगर

विषय- उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड मु0नगर द्वारा चाही गई सूचना के संबंध मे।

महादेय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड मु0नगर के पत्रांक संख्या 489/ओ0एन 406/बाबर अली मु0नगर/2023 दिनांक 28/08/2023 के संबंध मे महोदय उपरोक्त पत्र दिनांक 30/08/2023 को आपके द्वारा मुझको भेजा गया था, महादेय इस पत्र मे उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड ने त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि0 भिककी, बिलासपुर जौली रोड मु0नगर से हो रहे प्रदूषण के कारण आस पास ग्रामों के निवासियों के स्वास्थ्य पर विपरित प्रभाव पड रहा है के संबंध मे आख्या निम्नवत् है, महोदय इस इण्डस्ट्री के आस पास निम्न चार गांव है बिलासपुर, धन्धेडा, भिककी, व निराना इन गांव हमारे हैल्थ एण्ड वैलनेस सैन्टर स्थित है जहा पर सामु0स्वा0 अधिकारी(सीएचओ) नियुक्त है।

महोदय इन हैल्थ एण्ड वैलनेस सैन्टर पर आने वाले मरीजों का ब्यौरा उन हैल्थ एण्ड वैलनेस सैन्टर के सामु0स्वा0 अधिकारी(सीएचओ) से लिया गया है, सीएचओ से प्राप्त की गई सूचना इस प्रकार है :-

Name of CHO- Akram Ali		HWC Name- Dhandhera	
S.No.	Detail	No. Of Patient	Percentage
1	Fever	220	14.72
2	Skin Decease	199	13.31
3	Cough & Cold	252	16.86
4	Eye Flu	244	16.33
5	Hypertention	12	0.80
6	Diabetes mellitus	08	0.53
7	Diarrhea	25	01.67
8	Pain	502	33.60
9	Minor Injuries	32	02.14
<b>Total</b>		<b>1494</b>	

श्रीमान प्रभारी चिकित्सा अधिकारी  
मुजफ्फरनगर  
11/09/2023

Name of CHO- Varun Saini		HWC Name- Nirana	
S.No.	Detail	S.No.	Detail
1	Fever	155	18.69
2	Skin Decease	77	9.28
3	Cough & Cold	261	31.48
4	Eye Flu	104	12.54
5	Hypertention	34	4.10
6	Diabetes mellitus	29	3.49
7	Diarrhea	23	2.77
8	Pain	146	17.61
<b>Total</b>		<b>829</b>	

Name of CHO- Anvisha Chaudhary		HWC Name- Bilaspur	
S.No.	Detail	No. Of Patient	Percentage
1	Fever	160	18.18
2	Tonsilitis	15	1.70
3	Cough & Cold	110	12.5
4	Eye Flu	200	22.72
5	Pain	105	11.93
6	Abdominal Infection	40	4.54
7	Hypertention	12	1.36
8	Skin Decease	220	25
9	Diabetes mellitus	18	2.04
<b>Total</b>		<b>880</b>	

Name of CHO- Sarita		HWC Name- Bhikki	
S.No.	Detail	No. Of Patient	Percentage
1	Fever	220	25.7
2	Skin Decease	99	11.57
3	Cough & Cold	127	14.85
4	Eye Flu	147	17.19
5	Hypertention	69	8.07
6	Diabetes mellitus	18	2.10
7	Diarrhea	25	2.92
8	Pain	150	17.54
<b>Total</b>		<b>855</b>	

महोदय मेरे द्वारा इन चारो ग्रामो(निराना, बिलारापुर, भिक्की व धन्धेडा) मे स्थलीय निरिक्षण किया गया व ग्रम मे ऐसे किसी भी मरीज का सीएचओ के पास मे रिकोर्ड नही पाया गया जिसकी बिमारी इण्डस्ट्री से होने वाले उत्सार्जन से होती हो, महोदय इन चार ग्रम(निराना, बिलारापुर, भिक्की व धन्धेडा) के प्रधानो से वार्ता करने पर इस इण्डस्ट्रीज से होने वाले उत्सार्जन से गांव मे होने वाली बीमारी का पता नही चला है। संबधित ग्रम प्रधानो ने प्रदूषण नियत्रण बोर्ड के नाम पत्र भी लिखे है जिसकी प्रति पत्र के साथ संलग्न है

महोदय प्रथम दृष्टि मे इस इण्डस्ट्री से होने वाले उत्सार्जन से गांव मे ऐसी किसी बीमारी के होने का प्रमाण नही मिला है।

सूचना आपकी सेवा मे सादर प्रेषित है।

संलग्नक—

- 1—सीएचओ की रिपोर्ट की कॉपी
- 2—ग्रम प्रधानो द्वारा दिये गये पत्र की कॉपी

*Wale*  
प्रभारी चिकित्सा अधिकारी  
प्रा०स्वा० केन्द्र मेघाखेडी  
मुजफ्फरनगर

MUC  
D. C. MEGHAKHAR  
MUZAFFARNAGAR

## Annexure R-2

*Ku*  
01-9-23

कार्यालय जिला कृषि अधिकारी, मुजफ्फरनगर।

पत्रांक : ५९  
५९

दिनांक : 1-9-2023

सेवा में,

क्षेत्रीय अधिकारी  
उ०प्र० प्रदूषण नियंत्रण बोर्ड  
मुजफ्फरनगर।

विषय:—मा० एन०जी०टी० में योजित ओ०ए० संख्या 406/2023 बाबर अली बनाम स्टेट ऑफ उ०प्र० एण्ड अदर्स में पारित आदेश दिनांक 30.05.2023 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्रांक 488/ओ०ए० नं० 406/बाबर अली/मु०नगर/2023 दिनांक 28.08.2023 का संदर्भ ग्रहण करने का कष्ट करें। तत्क्रम में अवगत कराना है कि कार्यालय द्वारा दिनांक 01.09.2023 को मै० त्रिवेणी इंजीनियरिंग एण्ड इण्डस्ट्रीज लि० (एल्को कैमिकल कॉम्प्लैक्स), जोली रोड, मुजफ्फरनगर के आसपास के लगभग 5 किमी० की त्रिज्या में क्षेत्र का सर्वेक्षण किया गया। सर्वेक्षण के दौरान उक्त उद्योग संचालन के कारण फसलों के खराब होने के सम्बन्ध में कोई भी तथ्य प्रकाश में नहीं आया है। सर्वेक्षण के दौरान लिये गये फोटोग्राफ संलग्न हैं।

उपरोक्तानुसार आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक—उपरोक्तानुसार।

भवदीय,

*(मेघ सिंह)*

(मेघ सिंह)

सहा०विकास अधिकारी (कृषि)  
विकास खण्ड सदर, मुजफ्फरनगर।

तो साथियों स्वागत है आप सभी का मैं इस समय एक बार फिर से निराना गांव में हूँ निराना गांव में आने का विशेष मकसद वही की मुझे कुछ दिन पहले पता लगता है की निराना गांव में लगातार कैंसर से डेथ हो रही है मैं ग्राम प्रधान से संपर्क करता हूँ बात करता हूँ तो कहते हैं वास्तविकता है यहां लगातार डेथ हो रही है मैं २१ साल के नौजवान अनस का जब फोटो देखता हूँ तो मुझे महसूस होता है कम से कम जब मुझे खुदा ने ईश्वर ने अल्लाह ने भगवान ने इस लायक बनाया है कि मैं एक वकील और इस लड़ाई को लड़ सकता हूँ तो मैं उस लड़ाई को माननीय हरित अधिकरण नई दिल्ली तक लेकर जाता हूँ और बाकायदा मुझे सफलता मिलती है मेरा मुकदमा नई दिल्ली राष्ट्रीय हरित अधिकरण में त्रिवेणी फैक्ट्री के विरुद्ध क्योंकि फैक्ट्रियां तो और भी हैं लेकिन त्रिवेणी के विरुद्ध इसलिए क्योंकि जो डिस्टलरिया होती हैं शराब फैक्टरी होती है उनका जो वेस्ट निकलता है वह सबसे ज्यादा नुकसानदायक होता है वह कच्चे नाले में को ये फैक्ट्री ने 2018 में इसने बॉयलर लगवाया क्योंकि प्रदूषण विभाग का डर सताने लगा था तो 2018 में इसने बॉयलर लगवाया इस फैक्ट्री ने लेकिन उससे पहले 7 सालों तक ये कच्चे नाले में को अपना जो वेस्ट या जो स्पेंड वाश होता है लैगून का एक्स्ट्रा पानी होता है वह निकलते रहे कच्चे नालों में उसके बाद यहां के कुछ लोगों के द्वारा मुझे पता लगा कि यहां कमेटी बना कर लड़ाई लड़ी जाती है कुछ ऐसे भी थे जो जा के फैक्ट्री से नेगोशिएशन कर लेते थे या कुछ अपना जो उनका मान सम्मान होता था वो कर लेते थे मैंने यहां से कागज इकट्टा किया अयूब जो यहां के प्रधान पति हैं उन्होंने मुझे बाकायदा कागज वगैरा इकट्टा करने में मदद की और मैं कहूंगा कि मरगूब जो एक भारतीय किसान यूनियन के जो पुराने परिचित हैं उन्होंने भी बेचारे ने गांव गांव घूमकर मेरी मदद की उसके बाद ये राष्ट्रीय हरित अधिकरण में यह मुकदमा दाखिल हो गया आप कहेंगे इतनी लंबी बात क्यों बता रहा है मैं अपने संघर्ष को बयां कर रहा हूँ अब बाबर अली जो एक नौजवान था 6 फुट से भी ज्यादा जिसकी हाइट थी वह कैंसर से पीड़ित होकर मर जाता है ईश्वर अल्लाह की मर्जी मौत के आगे कोई कुछ नहीं कर सकता लेकिन लोगों ने कहा कि इसलिए निराना गांव में 2 साल में 30 से 40 मौत हो चुकी है क्योंकि यहां फैक्ट्रियां ज्यादा है और त्रिवेणी यहां से जो शराब फैक्ट्री है उसकी वजह से उसका जो नाला है 200 मीटर की दूरी पर यही पास में बह रहा है इस वजह से मौत हो रही है जी हां मैंने उसके बाद इस लड़ाई को लड़ा लेकिन जब बाबर अली की मौत हो जाती है बाबर अली मेरा पेटिशनर था अब मुझे संघर्ष करना पड़ रहा है कि आधार कार्ड कोई दे दे और ये कहे कि हम तेरे साथ खड़े हैं इस लड़ाई को लड़ने के लिए मैं जौली से आकर रात 8:00 बजे इस लड़ाई को लड़ रहा हूँ लेकिन यहां के लोग मैं इन्हीं के गांव में खड़ा होकर बीच में कह सकता हूँ कि आप समिति बना लीजिए आप अखबारों में छप जाएं आप मीडिया में आ जाएं लेकिन अगर वास्तविक रूप में कानूनी लड़ाई नहीं लड़ेंगे आने वाली नस्लों को दिक्कत होने वाली है लोग सोच रहे होंगे एक व्यक्ति यही कुछ दूरी पर खड़ा होकर मुझे कह रहा था जब मैं पानी के सैंपल ले जा रहा था कि वकील साहब किसको टोपी पहनाने जा रहे हो इस तरह के कमेंट भी सुनने पड़ते हैं हमें रात के 9:00 बजे यहां चाचा खड़े हैं स्वास्थ्य भी आपका ठीक नहीं लग रहा है वास्तव में यहां दिक्कत है दिक्कत ही दिक्कत है यहां तो क्या दिक्कत है भाई सब परेशान है पब्लिक पब्लिक परेशान है मैं आप लोगों की लड़ाई लड़ रहा हूँ क्या आप मतलब इस गांव को मेरा साथ देना चाहे कि नहीं देना चाहिए साथ देना चाहिए किस तरीके से सब मिलके एफिडेविट देंगे लोग की हां फैक्ट्री से गलत पानी आता रहा है यह तो गलत पानी हो सब जेने सुखरी बाग सुख रही अब मैं आपको बताऊं आपको चाचा क्या नाम है मुस्तकीम भाई जो अधिकारी था जो मतलब कृषि का अधिकारी होता है उससे पूछा गया क्या यहां फैसले सूख रही है 5 किलोमीटर के दायरे में उसने कहा कोई फसल सूखी हुई नहीं तो अधिकारी भी भ्रष्ट है या फिर वह वो अंधे हैं उन्हें नहीं दिखा आप कह रहे हैं फैसले सूख रही है आपकी लड़ाई आपको खुद लड़नी पड़ेगी अब यूपी पीसीबी सीपीसीबी यानी कि केंद्रीय प्रदूषण विभाग और उत्तर

प्रदेश प्रदूषण विभाग उन्होंने रिपोर्ट लगाई कि यहाँ पानी बिल्कुल ठीक है अब मैं गांव वालों से पूछता हूँ चाचा क्या नाम है आपका सलीम सलीम चाचा यहाँ यह दिखा दिया गया कि पानी बिल्कुल ठीक है क्या पानी ठीक है पानी ठीक नहीं यहाँ तो बीमार पड़ रहे हैं सारे और पानी बहुत खराब हो रहा हकीकत हकीकत है यह 8 साल हो गए 8 साल हो गए हर नल्को का पानी खराब है सब नल्को का पानी खराब है तो अब सवाल यह उठता है कि किस तरीके से पानी के सैंपल को सही दिखाया गया भाई सवाल में क्या कहूँ मैं इसपे कहां तक मैं आरोप लगाऊ वह पानी सब इसलिए पानी सही दिखाया गया की फैक्ट्री के पास ताकत है रिसोर्सेस है मैं यह नहीं कह रहा हूँ कि केंद्रीय प्रदूषण विभाग ने किसी तरह का नेगोशिएशन किया होगा लेकिन हाथ बहुत लंबे हैं हमारे हाथ इतने लंबे नहीं हम ग्रामीण क्षेत्र के वकील ग्रामीण क्षेत्रों के पढ़े लिखे जैसे तैसे इस लड़ाई को लड़ रहे हैं मैं चाहूंगा एक बार जरा सा दिखा दे जो लोग यहाँ पर इकट्ठा हैं इसमें से जितने भी यह लोग हैं अब सवाल यह है दोस्तों आप जो देख रहे हैं मैं इस लड़ाई को लड़ रहा हूँ इनमें से कितने लोग इस वीडियो को देख रहे हो निराना के कुछ लोगों के कुछ दिन पहले कमेंट किया था भाई बड़ी दिक्कत है साहीम भाई बड़ी दिक्कत है यह होता है आओ मेरा चैम्बर नंबर डी120 है यही मुजफ्फरनगर में मेरा कांटेक्ट नंबर 7037283515 फिर नोट कर लीजिये 7037283515 आप इस पर व्हाट्सएप कीजिए मुझे एफिडेविट दीजिए कि हां इस गांव का पानी खराब है और मैं आपकी लड़ाई को दिल्ली तक लड़ रहा हूँ और मैं किस तरह के रिस्क को भी दरकिनार करके लड़ रहा हूँ मुझे कोई डर नहीं है मैं जानता हूँ कि ईश्वर ने अल्लाह ने जिंदगी दी है मौत जिस तरह लिखी है उसे तरह आएगी लेकिन आप तो तैयार हो जाए आप तो खड़े हो जाए यह पूरा गांव निराना सिर्फ प्रधान पति एक अयूब एक ऐसा व्यक्ति है जो अभी तक नहीं टूटा बाकी कोई व्यक्ति ऐसा अभी तक तैयार नहीं हो रहा है की जो आगे कहे की लीजिए वकील साहब यह हमारे कागज हैं एफिडेविट हम देंगे कि इस गांव का पानी वास्तव में खराब है अनस 21 साल का नौजवान बाबर अली भूरे का लड़का जो मैं असली नाम नहीं जानता भूरे के नाम से गांव में कहते हैं 6 साल का बच्चा कैंसर से पीड़ित है तीन महिलाएं मर चुकी है यहाँ पर एक महिला अभी भी पीड़ित है रिशिपाल नाम का व्यक्ति कैंसर से पीड़ित है 5-6 कैंसर पीड़ित तो होंगे भाई यहाँ पर अभी भी भई आ जाइए नीचे बात करें कितने कैंसर पीड़ित अभी भी हैं 5-7 व्यक्ति अभी भी होंगे कितने मर चुके हैं हमारे हिसाब से 20-30 मर चुके हैं बताइए 30 व्यक्ति यह सोचने की बात नहीं है मैं कल सीएमओ फौजदार साहब से मिलता हूँ मैंने कहा साहब आपसे रिपोर्ट मांगी थी जो राष्ट्रीय हरित अधिकरण है उन्होंने आपसे रिपोर्ट मांगी थी आपने 5 दिन का समय मांगा और 4 सितंबर को जब यहाँ पर केंद्रीय प्रदूषण विभाग राष्ट्रीय हरित अधिकरण में अपनी रिपोर्ट दाखिल करता है तो उसमें सीएमओ की रिपोर्ट शामिल नहीं की जा सकती भारी लापरवाही मैं सीएमओ साहब के पास गया उनसे मैंने कहा साहब यह मेरी रिक्वेस्ट है कि निराना गांव की वास्तविक स्थिति मुझे दी जाए कि कितने कैंसर पीड़ित है उन्होंने वादा किया कि हम यह आपको उपलब्ध कराएंगे और मैं उन्हें एप्लीकेशन भी उन्हें दी है तो मैं आशा करता हूँ कि निराना गांव के जितने लोग वीडियो देखें कि अगर आपका जमीर जिंदा है मेरे बोलने में कुछ भी ताकत है कुछ भी असर पड़ रहा है तो खुदा के लिए ईश्वर के लिए भगवान के लिए आप आगे आए एफिडेविट दें तैयार हो कि हा हम एफिडेविट दे रहे हैं मैं इस लड़ाई को लड़ूंगा आगे तक लड़ूंगा मैंने क्या कहा था मैंने कहा था कि अगर फैक्ट्री इसके हालात सही करती है उन लोगों को कंपनसेशन देती है उन लोगों को मुआवजा देती है तो मैं तैयार हूँ इस लड़ाई को जिस तरीके से भी कहेंगे उसे तरीके से लड़ने के लिए लेकिन ना तो किसी को मुआवजा दिया गया जो बेचारे अभी भी लड़ रहे हैं गरीब लोग हैं कम से कम उनकी मदद तो की जा सकती है इस गांव के पानी को सुधरा जा सकता है हालत को सुधारा तो जा सकता है हालात को सुधारा तो जा सकता है लेकिन नहीं साहब चलिए खैर मैं यहाँ रात को खड़ा हूँ आप लोगों से निराना गांव के लोगों से रिक्वेस्ट करता हूँ और एक और बात कपिल कोई प्रधान है

बराबर के गांव का वह लिखकर देता है पानी की स्थिति बिल्कुल ठीक है प्रधान जी एक बात तो बताओ आपने कहीं कोई किसी विभाग में नौकरी की है जल वाले में आपने तुरंत फैक्ट्री की मोहब्बत में लिखकर दे दिया कल आपसे सवाल नहीं पूछा जाएगा आने वाली नस्लों के द्वारा की आपने कैसे लिख कर दे दिया था लेकिन चलिए खैर वह आपकी स्वतंत्रता की अभिव्यक्ति की आजादी है कि जैसा आप ने आप किया लेकिन मैं आज भी फिलहाल यहां पर खड़ा हूं और लोगों से रिक्वेस्ट कर रहा हूं कि आगे आए एफिडेविट दे लिख करके दें यहाँ का पानी खराब है लड़ाई लड़ने के लिए पूरी तरह तैयार हूं जुड़े रहिये गा मैं साहीम अख्तर परफेक्ट खबर आपकी आवाज़ आप तक एक गाम में थे और फ़ोन भी आ रहा था ये भाई है देखिये किस तरह से हमारे दोस्त वीडियो शूट कर क्या नाम है आपका दोस्त आपका सहनवाज काफी देर है कैमरा पकडे हुए तो ये निराना गांव का बाजार है यहाँ पर मैं मौजूद हु और जितने लोग इस वीडियो को देखे जितने भी लोग इस वीडियो को देखे और एफेडेविट देने को तैयार है मैं देखता हु कितने लोगो का मिझे फ़ोन आता है सुक्रिया आप लोगो का इसे ज्यादा से ज्यादा आगे बढ़ाते रहे

Friends, Most welcome to all of you, I am once again here in the Nirana Village, at this time. The special aim of visiting in the Nirana Village is that I came to know some days back that the death has continuously been taking place in the Nirana Village due to the Cancer. I contact and discuss with the Pradhan of Village, then he says that reality is that death has been taking place continuously in this area. Whenever I see the photo of young person Anas, who is 21 years old, then I feel that at least I have been made capable by the God, Khuda, Ishwar, Allah, Bhagwan that I am an Advocate and I can contest the fight, then I bring this fight before the Hon'ble National Green Tribunal, New Delhi and I have also succeeded. My case has been pending against Triveni Factory before the Hon'ble National Green Tribunal, New Delhi. As there are available other many factories but against Triveni because, the distilleries i.e. wine/ alcohol factories, which produces the waste, that is most dangerous/ harmful, as this factory installed

the boiler through raw drain/ nala in the year 2018, for the reason, the fear of Pollution Department started to disturb, that is why this factory installed the boiler but prior to it, since last 7 years, it used to wash its waste, which is spend wash into the raw drain. Thereafter, I came to know through some local persons of this area that the fight is to be contested after constituting the committee, but there were some such persons who used to negotiate with the factory or they would do something by which their respect was carried out or they would take anything in lieu of the same. I have collected the papers from here, Ayub who is the Pradhan/ Head of this area, he also helped me in collecting the papers/ documents and etc. and I would like to say that Margoob who is well known of Indian Kishan Union, he also helped me by wandering village to village, after that this case was filed before the Hon'ble Green Tribunal. You would say that why I am telling such long thing, I am expressing my struggle. Now a young person namely Babar Ali,

having more height than 6 foot, he was died due to Cancer. It is wish of God, Ishar, Allah that nobody can do anything against the death but the persons said and owing to this, 30 to 40 death have taken place within 2 years in this Nirana Village, because, there are more factories and Triveni which is the wine factory, due to which, as its drain is located at the distance of 200 meters from here, that is flowing and due to this reason the death has been taking place, Yes, and thereafter I contested this fight. But when Babar Ali was died, Babar Ali was my Petitioner, now I have to contest that anyone give his Aadhar Card and say that we are with you for contesting this fight. I have come from Jolly at night time 8:00 PM and I am contesting this fight. But I can say by standing in this village to the local persons that you must constitute the committee and then you would be published in the newspapers and you would also come in Media but if you do not contest the fight in reality, then your's coming generation would face the

difficulties. The people would be thinking, one person standing at a some distance, was saying to me, when I was taking the sample of water that Advocate Sahab, you are going to keep the cap, to whom, I have to listen such type comments. At the night time 9:00 PM one uncle is standing whose health is not looking well, in reality, there is problem, problem is problem, brother everyone is disturbed in this area, public is also disturbed. I have been contesting your fight, whether would you like to co-operate me in this village or not, in which manner, all collectively would give the affidavit of the people, yes the wrong was has been coming from the Factory, this water is wrong ..... the crops have also been deteriorating and drying. Now I tell one thing to you, what is your name uncle, Mustkm brother, the officer who was the agricultural officer, he was asked whether the crops are being drying within 5 kilometers area, he replied no kind of any crop was dried, then the officer is also corrupted or the persons who are blind, they do not see, you are

saying that crops are being dried. You have to contest your fight yourselves. Now UP PCB which means Central Pollution Department and Uttar Pradesh Pollution Department, they have filed the report that the water of here is absolutely correct. Now I ask to the villagers, uncle what is your name, Saleem uncle, there it has been shown that water is absolute correct, whether the water is correct or not, and why all the persons are being falling sick and water is getting very much contaminated, reality is reality, 8 years have been passed, the water of every pipe is contaminated, now the question is arisen that under which method, the sample of water has been shown to be correct. Brother what would I ask the question, how do I blame to what extent, the water was shown correct because the factory has the power, resources. I am not saying this that Central Pollution Department has negotiated in which manners, but their hands/ approach are very big and we have no such big hands/ approach because we are the

advocate of rural area and rural advocates somehow have been contesting the fight. I would like please show one time as the persons who are gathered and present here, how much persons out of this. Now the question is now that friends as you are seeing that I have been contesting this fight, and how many persons are watching this video, some persons of Nirana has commented prior to some days back that brother there is very much problem, it happens so let's come to my Chamber No. D-120, in the Muzaffarnagar, my contact number is 7037283515, again note it 7037283515, do whatapp on this number and give me your affidavit confirming that the water of this village is contaminated and I have been contesting your fight to the extent of Delhi and I am taking more risk in contesting of this fight, I have no fear, because I know that God, Ishar, Allah have given me the life and death as has been written, the same would come in the written manner. But you become ready and stand up, in this entire village Nirana, only

Pradhan is one person who is Ayub, who has not been broken till date but no other person is getting ready, who would come in front and say that these are our papers/ documents and affidavits and we would provide them stating that the water of this village is really contaminated. Anas 21 years old, young person, son of Babar Ali Bhure, I do not know his real name but he is known in the village by name of Bhure, 6 years old child is suffering from Cancer, three women have been died, herein one more woman is also suffering, a person namely Shishipal is also suffering from Cancer. At least 5 – 6 persons would be suffering from this disease at the present time, brother come down and talk, how many persons are suffering from Cancer, replied at least 5 – 7 persons would be affected, as per our knowledge, 20 – 30 persons have also been died, please tell, 30 persons it is not understandable thing. I met with CMO Faujdar Sahab yesterday and I asked him that Sahab the report was sought from you, the persons who is in the

National Green Tribunal, they asked the report from you and you take the time of 5 days and then on 4<sup>th</sup> September, you would file your report before the Central Pollution Department, National Green Tribunal, but the report of CMO could not be included with negligence and I went to CMO Sahab and asked him that it is my request that please provide me the real condition/status of the Nirana Village that how much persons have been suffering from Cancer, the he assured me that we would make available and provide the same to you and I had also submitted an application to him, I hope that the persons of Nirana Village who are watching this video, if your honesty is alive and there is some force in my speaking and some affect is going on, the for the sake of God, Ishar, Allah, you come in front and give your affidavit and also get ready that we are giving our affidavits and then I would contest this fight to the extent of further time. I had said that if the factory improve its condition and it also provide the compensation, then

I am ready for this fight, under whatever manner, they would say, but nobody was provided any compensation, who have been still fighting, poor persons, at least their help could be done, the water of this village could be improved and corrected, the circumstances could also be improved, but not, Sahab, let's I am standing herein at night time and I request the people of the Nirana Village and one thing more that there is Pradhan Kapil in the adjoining village, he had written that the condition of water is absolutely correct. Pradhan Ji, tell me one thing, have you done any job in any Department of Water, you have immediately written in favour of Factory in love. Tomorrow you would be asked the question by the coming generation that how did you write such things. But let's there is right of expression, as you have done, but for the time being, I am standing herein and I am making request to the people that come forward and give your affidavit in written stating that the water of here is contaminated, I am

completely ready for contesting the fight, please be attached, I being Sahim Akhar, perfect your news to you ... I was in one village and phone calls were coming. Oh brother, see, in which manner, our friend making shoot of video, what is your name, your friend your well thinking, holding the camera, it is the market of Nirana Village. I am present herein and whatever the person who are watching this video and are ready to give their respective affidavit, I see it that how many persons make phone call to me. With thanking all of you, please make it larger and larger and proceed further.

(TRUE TRANSLATED COPY)



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 406 OF 2023

IN THE MATTER OF:

BABAR ALI

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

... RESPONDENTS

KNOW ALL to whom these presents shall come that I/We the **authorized representative of Respondent No. 4** do hereby appoint:

**ANUNAYA MEHTA (D-1096/2012)**  
**388, CHAMBER BLOCK-II, DELHI HIGH COURT, NEW DELHI**  
**9899834055, anunaya.mehta@gmail.com**

hereinafter called the advocate(s) to be our Advocate in the above-noted case authorize him:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings

The deposit, withdraw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter so my/our own acts, as if done by me/us to all intents and purposes.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

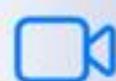
And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court for a period of three years only. I/we hereby agree that once the fee is paid, I /we will not be entitled for the refund of the same in any case.

IN WITNESS WHEREOF I/we do hereunder set my/our hand to these presents the contents of which been understood by me/us on this 25<sup>th</sup> day of JANUARY 2024. Accepted subject to the terms of the fees.

Advocate

COURT FEES = RS. 5  
COURT FEES UIN = DLCT2916A2421L440





4:20 PM

Friday

Hi Anunaya 8:20 PM

Have u filed any reply to IA or OA? 8:21 PM

Yesterday

Hi Rahul 10:24 PM ✓✓

We will be filing on Monday 10:24 PM ✓✓

➔ Forwarded

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
 PRINCIPAL BENCH, NEW DELHI  
 I.A. No. \_\_\_\_\_ OF 2024  
 IN  
 ORIGINAL APPLICATION NO. 406 OF 2023

pdf Reply to substitution application.pdf  
 29 pages • 5.7 MB • pdf

10:24 PM ✓✓

This is advance copy for you 10:24 PM ✓✓



# Contact Info

Edit



## Rahul Khurana Adv NGT

+91 98118 94060



Audio



Video



Pay



Search

Advocate-on-Record, Supreme Court of India

9 Aug 2023



Media, Links, and Docs

None >



Starred Messages

None >



Mute

No >



Wallpaper & Sound

>



Save to Camera Roll

Default >



Encryption

Messages and calls are end-to-end encrypted. Tap to verify

>