

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
I.A. NO.145/2024  
IN  
OA NO. 270/2023**

IN THE MATTER OF:

SHRANKHLA MITTAL

...*APPLICANT*

*VERSUS*

NCT OF DELHI & ORS.

...*RESPONDENTS*

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New Delhi

Through



Dated:25.07.2024

***Momin Fazal, A. F. Faizi & Associates***

Ch. No.295, Patiala House Courts, New Delhi-110001

Office- GF, G-47, Lajpat Nagar-I, New Delhi-110024

Mob. No. 8802476391 Email: [ahmadffaizi@gmail.com](mailto:ahmadffaizi@gmail.com)

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

**I.A. NO.145/2024**

**IN**

**OA NO. 270/2023**

IN THE MATTER OF:

MS. SHRANKHLA MITTAL

...*APPLICANT*

*VERSUS*

GOVT. OF NCT OF DELHI & ORS.

...*RESPONDENTS*

**REPLY ON BEHALF OF RESPONDENT NO.8**

*MOST RESPECTFULLY SHOWETH:*

**PRELIMINARY OBJECTIONS**

1. That the Respondent No.8 is a cafe under the name of '*Epic Restro Bar*' and is having all the valid permissions required to run a cafe. At the outside, it is submitted that no noise pollution is caused from the side of Respondent No.8, which has taken all the necessary steps to ensure necessary compliance with environmental laws. It is pertinent to mention here that Respondent No.8 has duly paid environmental compensation of Rs.10,000/- to SDM.  
True copies of documents showing valid permissions for Respondent No.8 have been annexed herewith as '**ANNEXURE-R1(COLLY)**'.  
True copy of payment receipt of environmental compensation paid by Respondent No.8 has been annexed herewith as '**ANNEXURE-R2**'.
2. That instant IA by the Applicant in the captioned OA is not maintainable *qua* Respondent No.8 as the same is hit by Section 14(3) of the NGT Act, 2010 as the same, *ex facie* apparent from

the date of preference, has not been preferred within a period of six months from the date on which the cause of action for the allegations against Respondent No.8 arose. Moreover, Applicant has omitted to put forth a sufficient cause for not filing the instant Application within stipulated period of six months from the date on which the cause of action as alleged against Respondent No.8 arose. Therefore, the captioned IA liable to be dismissed on this ground alone.

3. That captioned IA is a desperate attempt by Applicant to mislead this Hon'ble Tribunal by canvassing a frivolous picture of ground realities based on misleading averments and sham photographs which are not meant to be acted upon as burden of proving genuineness of the same has not been discharged by the Applicant even *prima facie* as the said photographs being electronic document does not accompany certificate u/s 65B of Evidence Act, 1872.
4. That the Applicant has not approached this Hon'ble Tribunal with clean hands and thereby deserves no relief. Intriguingly, while Applicant herself admits the distance of her residence from the Respondent No.8 establishment to be about 50 feet, she has cleverly concealed the fact that there are several other residences, abode to residents who are vulnerable to noise pollution, much closer to the Respondent No.8 establishment whose residents have never raised any grievance/complaint before any authority. Moreover, there are several restaurants and bars operating within the proximity but Applicant has only raised her alleged grievance against Respondent No.8. which apparently shows the malafide of the Applicant who has masqueraded her clandestine motive as a cause for environmental protection.

5. That at the outset all the averments made by the Applicant are hereby denied, save and except such averments that have been specifically admitted hereinbelow. The present frivolous Application is hereby replied to as under-

**REPLY ON MERITS:**

1. That contents of Para 1 of captioned IA are matter of record and thereby need no reply.
2. That contents of Para 2 of captioned IA are matter of record and thereby need no reply.
3. That contents of Para 3 of captioned IA are matter of record and thereby need no reply.
4. That contents of Para 4 of captioned IA are matter of record and thereby need no reply.
5. That contents of Para 5 of captioned IA are matter of record and thereby need no reply.
6. That contents of Para 6 of captioned IA are matter of record and thereby need no reply.
7. That contents of Para 7 of captioned IA are not related to answering Respondent and thereby need no reply.
8. That contents of Para 8 of captioned IA are not related to answering Respondent and thereby need no reply.
9. That contents of Para 9 of captioned IA are denied. It is denied that Respondent No.8 is a source of noise pollution in Hauz Khas village.
10. That contents of Para 10 of captioned IA are denied. It is submitted that Respondent No.8 has never caused noise pollution and save for bald and baseless averments, no cogent or reliable material has been produced before this Hon'ble Tribunal in support of her allegations *qua* answering Respondent. The Applicant's

misleading averment in the corresponding paragraph is vividly apparent as there is no withdrawal of permission for service area neither there has been initiation of any action in as per DMC Act by the concerned authorities stipulated by Paragraph No.24 of the relied circular which states-

*“24.....On violation of terms and conditions, permission for service area will be withdrawn and further action will be taken as per DMC Act.”*

The allegation of the Applicant *qua* live music events on the roof-top is denied and same does not warrant any indulgence by this Hon'ble Tribunal being devoid of credence as Applicant has miserably failed to bring on record any proof of any action initiated by the concerned authorities in this regard as stipulated by the very Circular she is relying upon to mislead this Hon'ble Tribunal.

11. That contents of Para 11 of captioned IA are denied. It is denied that Respondent No.8 has installed speakers of any size on their open roof-top/terrace which produce any noise whatsoever. It is denied that Respondent No.8 organizes live music events at all. The falsity of averments *qua* Respondent No.8 operating without valid permissions/documents is unravelled from 'ANNEXURE-R1(COLLY)' annexed hereinabove.

True photographs from premises showing soundproofing have been annexed herewith as '**ANNEXURE-R3(COLLY)**'

12. That contents of Para 12 of captioned IA are denied being bald and baseless. While admission of the alleged measurement of noise level is in serious doubt, it is submitted that Applicant, accompanied with several other anti-social elements, has adopted a *modus* of barging into the premises of Respondent No.8 without any permission, with clandestine motive, goes near the speakers

inside the premise and record some audios with devices unknown to the Respondent No.8.

13. That contents of Para 13 of captioned IA are denied for absence of strict proof with regard to the contents of this Para, as petitioner has not put any proof with regards to her pregnancy and her residence. Rest of the contents are denied as wrong and incorrect as there are several other residences, abode to residents who are vulnerable to noise pollution, much closer to the Respondent No.8 establishment whose residents have never raised any grievance/complaint before any authority.
14. That contents of Para 14 of captioned IA are denied as, in the light of aforementioned circumstances and submissions to be advanced orally before this Hon'ble Tribunal, Applicant does not deserve any indulgence from this Hon'ble Tribunal. It is denied that any restraining order is to be passed against Respondent No.8 as there exists no instance of alleged violations altogether and the noise levels from the premises of the answering respondents is within the permissible limits, as stipulated under Noise Pollution (Regulation and Control) Rules, 2000.

### P R A Y E R

*In view of aforementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal be pleased to pass an order thereby dismissing the instant application with exemplary costs in the interest of justice.*

New Delhi

Through



Dated:25.07.2024

**Momin Fazal, A. F. Faizi & Associates**

Ch. No.295, Patiala House Courts, New Delhi-110001

Office- GF, G-47, Lajpat Nagar-I, New Delhi-110024

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**AFFIDAVIT**

I, Ravinder Sharma S/o Amarnath Sharma R/o E-69, Third Floor, East of Kailash, New Delhi- 110065 aged about 40 years do hereby solemnly affirm and state as under:

1. That I am the owner of Respondent No.8 in the above noted case and am well versed with the facts of the case, and as such, am competent to swear this affidavit.
2. That the accompanying reply has been drafted under my counsel upon my instructions and read over to me in my vernacular language and understood by me.
3. That the contents of accompanying reply are true and correct to my knowledge and the same may be read as part and parcel of this affidavit.

*SLARVA*

DEPONENT

**VERIFICATION:**

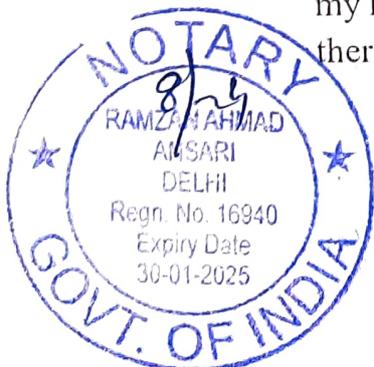
Verified at New Delhi on this 25 day of July, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

CERTIFIED THAT THE DEPONENT was solemnly affirmed before me that the contents of the above which have been read & explained to him are true and correct to his/her knowledge.

NOTARY GOVT. OF INDIA

*SLARVA*

DEPONENT



25 JUL 2024

*Identify the Deponee in Executants who has Signed/Placed Before Me*



## DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi)

4th & 5th Floor, ISBT Building Kashmere Gate, Delhi 110006

### CONSENT ORDER

Certificate No. :G-15752

|                          |   |   |
|--------------------------|---|---|
| Name of the unit         | : | EPIC Restro Bar   |
| Address                  | : | Building No-8A, First Floor, Hauz khas village, New Delhi-110016, Restaurant, Delhi - 110016  |
| Consent Order No         | : | DPCC/CMC/2020/4316335   |
| Date of issue            | : | 16/10/2020  |
| Product/Activity         | : | Restaurants /Eating houses/ Dhabas and other such establishments(having seating capacity from 36 to 100 seats)- connected to / Discharging Effluent into Public/Municipal/ DJB Sewer and having Kitchen and / or Laundry without Boiler |
| Manufacturing Activities | : | Restaurant cum bar.   |
| Category Name            | : | [ORANGE]  |

This Consent to Operate is hereby granted under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 under ORANGE Category. This consent is subjected to terms and conditions specified overleaf. This is being issued with reference to your application id 4316335 valid from 07/07/2020 to 07/07/2025.

Senior Environmental Engineer



**EXCISE DEPARTMENT  
GOVT. OF NCT OF DELHI  
L-BLOCK, VIKAS BHAWAN,  
I.P. ESTATE, NEW DELHI  
LICENCE L17&L17F**

**LICENCE IS GRANTED SUBJECT TO PROVISIONS OF  
DELHI EXCISE ACT, 2010  
AND RULES FRAMED THEREUNDER AND  
INSTRUCTIONS/ORDERS ISSUED FROM TIME TO TIME**

1. Category of Licence : L17F & L17, Service of Indian Liquor and Foreign in independent restaurant Service of Foreign Liquor in independent restaurant to holder of licence in form L-17
2. Registration No/Licence ID : L17/2021/07552
3. Name of Restaurant : EPIC RESTRO BAR
4. Names of Directors/Partners/Proprietors : RAVINDER SHARMA
5. Address : FIRST FLOOR 3/ HAUZ KHAS VILLAGE MAIN ROAD, DELHI, SC DELHI, DELHI-110016
6. Address of Warehouse, if any : N/A
7. Hours of Sale : 11 AM- 1 AM(Night)
8. Details of Licence Fee

Total Fees Paid (Rs.) : 677617

Ledger Amount deducted (Rs.) :

| Challan Amount(Rs.) | Challan Number | Payment Date |
|---------------------|----------------|--------------|
| 677617              | 30032452101    | 30-03-2024   |

9. Additional Details :

| S. No. | Restaurant Name | Additional Area | Number of Dispensing Counter |
|--------|-----------------|-----------------|------------------------------|
| 1      | EPIC RESTRO BAR | N               | 1                            |

10. Date of Issue : 30-03-2024
11. Seat Covers Approved : 46
12. Licence Valid Up to : 31-03-2025
13. Email ID : EPICRESTROBAR@GMAIL.COM

**Conditions:**

- This licence is granted subject to the provision of Delhi Excise Act, 2010 the Rules framed thereunder; terms and conditions of licence instructions issued by licensing authority from time to time.
- This is subject to the fact that if any of the linked licences / permissions are cancelled, the excise licence will be deemed cancelled.
- The licence shall be liable for cancellation if any document produced / placed on record or any point of declaration undertaken for false or forged.

**DEPUTY COMMISSIONER  
(EXCISE)**



**Form C**  
**Government of Delhi**  
**Department Of Food Safety**  
**Food Safety and Standards Authority of India**  
**License under FSS Act, 2006**



अनुज्ञप्ति संख्या / License Number: 13320002000143



- |   |   |
|---|---|
| 1. Name & Registered Office address of Licensee / अनुज्ञप्तिधारी के पंजीकृत कार्यालय का नाम और पता: | M/S EPIC RESTRO BAR<br>8 A, FIRST FLOOR, HAUZ KHAS VILLAGE,<br>NEW DELHI-110016, South , Delhi-110016 |
| 2. Address of Authorized Premises / प्राधिकृत परिसरो का पता:  | 8 A, FIRST FLOOR, HAUZ KHAS VILLAGE,<br>NEW DELHI-110016, HAUZ KHAS, South ,<br>Delhi-110016          |
| 3. Kind of Business / कारोबार का प्रकार:  | Food Services - Restaurants   |
| 4. Dairy Business Details / डेयरी कारोबार विवरण हेतु :  | No  |
| 5. Category of License / अनुज्ञप्ति का वर्ग:  | <b>State License</b>  |

This license is granted under and is subject to the provisions of FSS Act, 2006 all of which must be complied with by the licensee. / यह अनुज्ञप्ति खाद्य संरक्षा और मानक अधिनियम, 2006 के अधीन अनुदत्त की गई और वह अधिनियम के उपबंधों के अध्यादीन है जिनका अनुज्ञप्तिधारी द्वारा अवश्य पालन किया जाना चाहिए.

Place / स्थान: South

Designated Officer

Issued On / दिनांक: 27-04-2022 (Renewal License)

Valid Upto: / वैधता: 26-04-2027 (For details, refer Annexure)

**Annexures:**

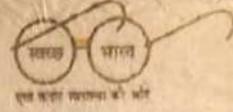
1. [Product Annexure](#)
2. [Validity Annexure](#)
3. [Non-Form C Annexure](#)
4. [Conditions Of License](#)

**Note:**

1. Application for renewal of License can be filed as early as 180 days prior to expiry date of License. You can file application for renewal or modification of License by login into FSSAI's Food Safety Compliance System(<https://foscos.fssai.gov.in>) with your user id and password or call us at 1800112100 for any clarification.
2. This License is only to commence or carry on food businesses and not for any other purpose.
3. This is computer generated license and doesn't require any signature or stamp by authority.



**SOUTH DELHI MUNICIPAL CORPORATION**  
**Public Health Department**  
**HEALTH TRADE LICENSE**



Licensee Photo

Department/विभाग PUBLIC HEALTH DEPARTMENT Zone/ज़ोन South

License No./लाइसेंस नंबर HTLSDMC112022041406947

Non Transferable / अहस्तान्तरणीय,  
 Fee Non Refundable / फीस वापस नहीं  
 होगी

Date of Issue/जारी करने की तिथि 28-04-2022

License Valid upto/लाइसेंस वैध 31-03-2025

This license is granted in pursuance to the provisions of section 417/420/421/422 of the Delhi Municipal Corporation Act, 1957 as amended from time to time and is valid only for the person and particular trade and particulars specified herein subject to conditions stated here under.

यह लाइसेंस अद्यतन संशोधित, दिल्ली नगर निगम अधिनियम 1957 के उपबंध की धारा 417/420/421/422 के अनुसरण से स्वीकृत किया जाता है यह केवल इसमें उल्लिखित व्यक्ति और विवरणो निम्न और शर्तों के अन्तर्गत वैध है।

Name of Licensee and Designation/लाइसेंसधारी और पदनाम का नाम RAVINDER SHARMA, PROPRIETOR

Address of Establishment/स्थापना का पता 8 A, FIRST FLOOR, HAUZ KHAS VILLAGE, Delhi, 110016

Trade Type/व्यापार का प्रकार Eating Establishment

Nature of Trade/व्यापार की प्रकृति Eating House (Resturant)

Name & Style/नाम और शैली EPIC RESTRO BAR

Total number of Permissible Seats/अनुमेय सीटों की कुल संख्या 46

Unit Area in Sq.Mts/इकाई क्षेत्र 82

License Certificate Generated Date/लाइसेंस प्रमाणपत्र उत्पन्न तिथि 28-04-2022



Trade Photo

This license does not confer ownership rights to the licensee

To

The SDM (Hauz Khas)

M B Road, Saket New Delhi-110068



Sub: Application for deposit Rs.10,000/- on 22.04.2024 with Reference No.411315150141 in favour of DPCC through Kotak Mahindra Bank Ltd. To State Bank of India with Bank Transaction copy attached regarding the SDM Order No. F. DDM/HK/Misc/Noise Pollution/2023/209-12 dated 13.04.2024.

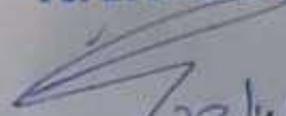
Respected Sir,

That I was received a notice vide F. DDM/HK/Misc/Noise Pollution/2023/209-12 dated 13.04.2024 by SDM Hauz Khas New Delhi and I have paid penalty in favour of DPCC with the bank transaction receipt copy attached.

Thanking You,

Applicant

For EPIC RESTRO BAR

  
23/4/24 Prop.  
For Epic Restro Bar

8-A, Hauz Khas Village, Deer Park, Hauz Khas,  
New Delhi

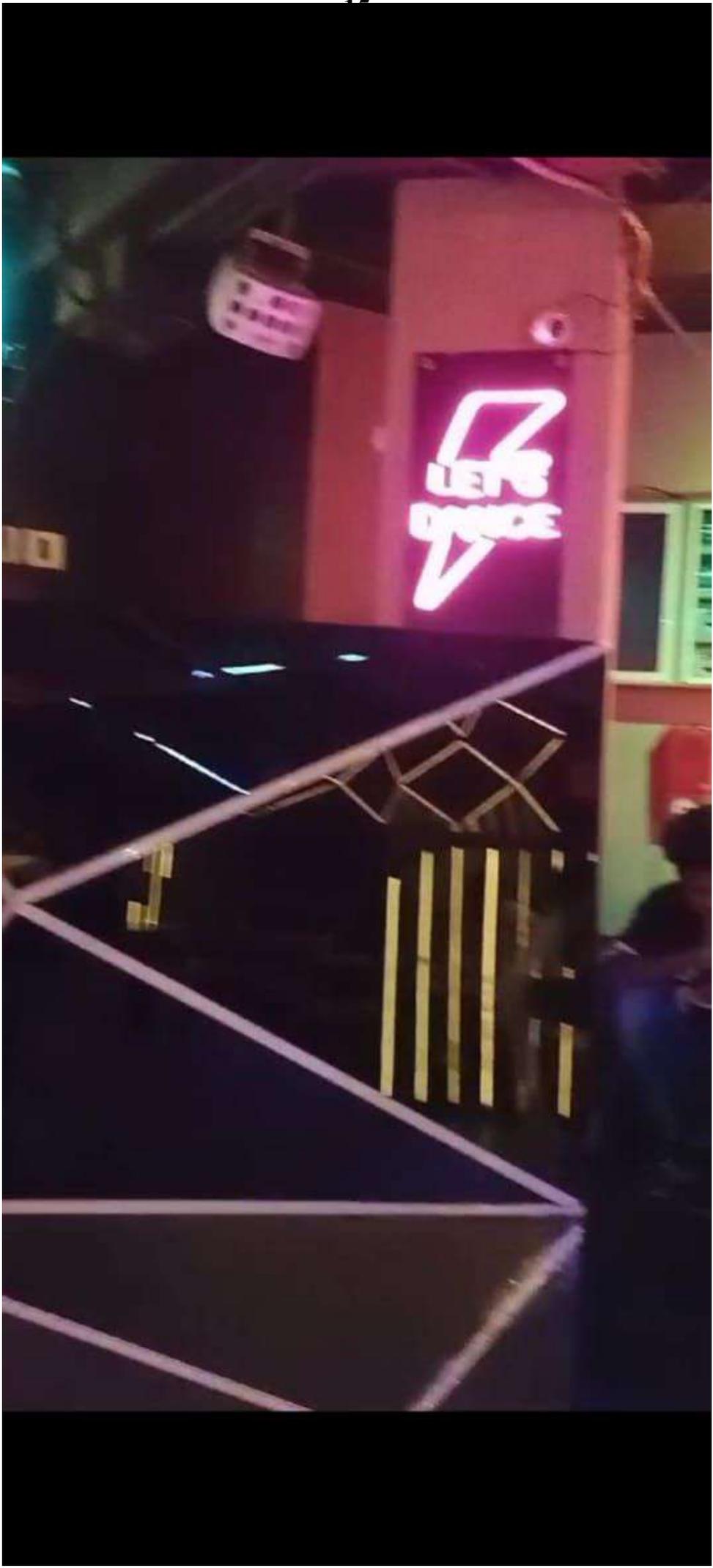
Place: New Delhi

Dated: 23.04.2024





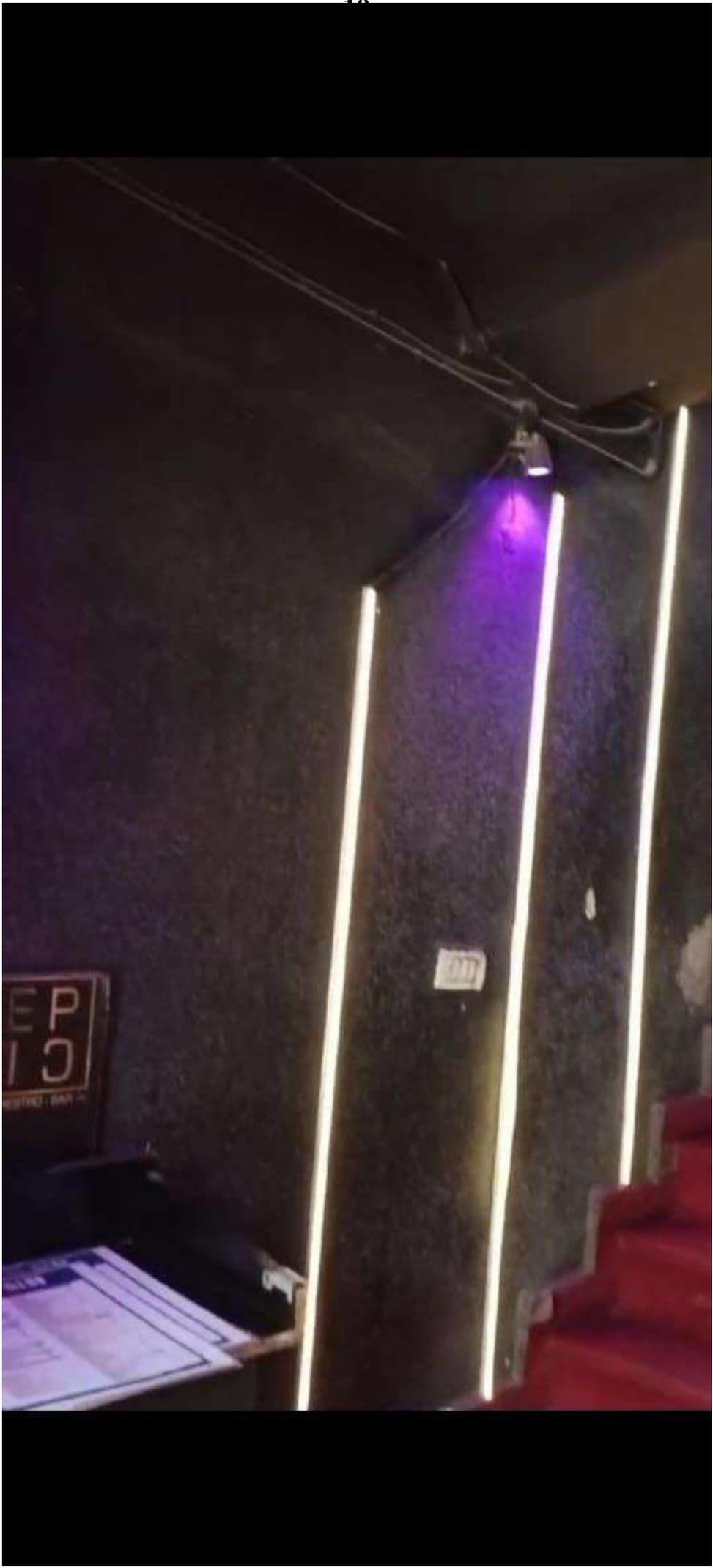














C.C. No. ....  
FIR No. ....  
U/S .....  
P.S. ....

IN THE COURT OF HON'BLE NATIONAL GREEN TRIBUNAL, PB, ND

Suit / Appeal No. IA -115/24 IN OA - 270/2023 JURISDICTION OF 2023

In re :- SHRANKHA MITTAL Plaintiff(s) Or Petitioner(s)  
Appellant(s) Complainant(s)

**VERSUS**

NCT OF DELHI & ORS. Defendant(s) / Respondent(s) / Accused

KNOW ALL to whom these present shall come that I / We Ravinder Sharma s/o Anand Sharma R/O E-69, Third Floor, East of Kailash, New Delhi - 110065

The above named Respondent No - 8 do hereby appoint  
ADV. MOMIN FAZAL D/1816/2009 ADV. A.F. FAIZI D/2081/16 ADV. VIDHYA AISH D/0913/17  
Ch. No. 295, Ballala House Courts, ND - 1 8802476391 ADV. SAZIDS R. SMATH D/8900/22

(herein after called the advocate/s to be my/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  
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 or opposite party.  
To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.  
To take execution proceedings on paying separate fee.  
To deposit, draw and receive money, cheques, case and grant receipts hereof 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 on 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 the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own facts, as if done by me/us to all intents and purpose.  
And I/We undertake that I / We or my/our duly authorised agent would appear in court and all hearings and will inform the Advocate for appearance when the case is called.  
And I/We undersigned do hereby agree not to hold the advocate of 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 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 settle is only for the above case and above Court. 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 whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us

IN WITNESS WHERE OF I / We do hereunto set my/our hand to these presents the contents of which have

been understood by me / us on this 25<sup>th</sup> day of July 2024  
Accepted subject to the terms of the fees

[Signature]  
D/2081/16  
Advocate  
[Signature]  
D/8900/22

[Signature]  
Client  
I identify the Signature/Thumb Impression of the Below Mentioned Person,  
Who Has been Signed in my presence. The Client.



Sazid S R Shah &lt;adv.sazidsrshah@gmail.com&gt;

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**Advance Service of Reply by Respondent No.8 in IA No.145/2024 in OA No.270/2023 titled Shrankhla Mittal v. NCT of Delhi & Ors.**

1 message

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**Sazid S R Shah** <adv.sazidsrshah@gmail.com>

27 July 2024 at 16:33

To: "advocatesushmita@gmail.com" &lt;advocatesushmita@gmail.com&gt;

Ma'am,

Please find attached the Reply by Respondent No.8 in IA No.145/2024 in OA No.270/2023 titled **Shrankhla Mittal v. NCT of Delhi & Ors.** being filed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. Kindly treat it as an advance service.

*Regards-***Momin Fazal, A. F. Faizi & Associates**

Ch. No.295, Patiala House Courts, New Delhi-110001

Mob. No. 8802476391

**Epice Reply.pdf**

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