

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

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

VERSUS

THE UNION OF INDIA & ORS. ... RESPONDENTS
N.D.O.H.: 17.02.2025

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DELHI.
DATED:

Filed by:



RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.90

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

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

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THE UNION OF INDIA & ORS. ... RESPONDENTS

REPLY ON BEHALF OF THE RESPONDENT NO.90

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS:

1. That the present application filed by the applicant is not maintainable and liable to be dismissed against the answering respondent as the same is nothing but an abuse of the process of law and has been filed by the appellant with illegal and malafide intention with a view to extort money by illegal means from the answering respondent.
2. That the present application filed by the applicant is not maintainable and liable to be dismissed as the

same is without any merits against the answering respondent.

3. That the present application is not maintainable and liable to be dismissed as the applicant has not come before this Hon'ble Court with clean hands and have concealed the material and vital facts from this Hon'ble Court thereby attempted to misguide and mislead the Hon'ble Court. Whereas the fact remains that the answering respondent has not violated any law of the Air (Prevention and Control of Pollution Act, 1981) and Environment Protection Law.
4. That the applicant has not filed or placed on record a single document or any material evidence in support of the allegations against the answering respondent and to show that the answering respondent has committed any breach of law.

However, no relief is prayed for in the present application against the answering respondent.

5. That it is pertinent to mention here that the answering respondent is a small industry of manufacturing juice and beverage by following all rules and regulations issued by the State Pollution Control Board Haryana. The answering respondent has limited work of four months in a year during summer season and the remaining eight months the work of the answering respondent remains closed. There are about 10 employees employed with the answering respondent.
6. That in summer season juices and beverages are manufactured through green and clean energy by the respondent i.e. by using electricity, biogas and CNG which do not cause any pollution. Therefore, the answering respondent has not violated any provisions of law or rules and regulations issued by the concerned authority as well as State

Government to control the pollution. Thus, the present application deserves to be dismissed.

7. That neither any survey nor any inspection has ever been conducted at the premises of the answering respondent by any authority regarding violation of pollution norms nor the concerned authority has ever issued any show cause notice to the answering respondent in respect of the subject matter of the present application. No samples have ever been taken by any authority including the applicant to prove that the answering respondent is causing pollution. It is pertinent to mention here that Section 26 of the Air (Prevention and Control of Pollution) Act, 1981 states regarding power to take samples of air or emission and procedure to be followed in connection therewith. As per Section 28 of the said Act, the samples are required to be sent to the State Air Laboratories for analysis or tests, but in the present case, the said process has not

been followed, therefore, the present application is liable to be dismissed.

8. The present application is based on false, frivolous and baseless facts which have no iota of truth and the same is liable to be dismissed at the threshold.
9. That the present application does not disclose as to what manner and through which equipments/fuels etc. the answering respondent is emitting pollution. Therefore, the present application is liable to be dismissed against the answering respondent.
10. That the present application filed by the applicant is not maintainable and liable to be dismissed as no cause of action has arisen in favour of the applicant and against the answering respondent.

REPLY ON MERITS:

1. That para No.1 of the application is denied for want of knowledge.

2. That para No.2 of the application needs no reply being matter of record.
3. That para No.3 of the application needs no reply being matter of record.
4. That para No.4 of the application needs no reply being matter of record.
5. That para No.5 of the application needs no reply being matter of record.
6. That para No.6 of the application needs no reply being matter of record.
7. That para No.7 of the application needs no reply being matter of record.
8. That in reply to para No.8 of the application, it is submitted that the present application is based on false, frivolous, baseless and concocted facts and the answering respondent has nothing to do with the allegations made in the present

application because the answering defendant has not done any of causing or emitting any pollution.

9. That para No.9 of the application is wrong, false and denied. It is submitted that the present application is filed by the applicant in order to harass the answering respondent in a false litigation. The answering respondent is being dragged into this false litigation without any involvement and no documentary proof to prove the indulgence of the answering respondent in the present matter is put on record.
10. That para No.10 of the application is wrong, false and denied. It is submitted that the answering respondent has limited work only for four months of summer season in a year and for rest of the period the work of the answering respondent remains closed. Therefore, the allegations made in the para under reply are false, baseless and concocted.

11. That para No.11 of the application is wrong, false and denied. As the present application is based on false, frivolous and concocted facts, therefore no orders are required to be passed against the answering respondent.

REPLY TO BRIEF FACTS:

1. That para No.1 of the application needs no reply. However, the applicant is put to strict proof thereof.
2. That para No.2 of the application needs no reply. However, the applicant is put to strict proof thereof.
3. That para No.3 of the application needs no reply. However, the applicant is put to strict proof thereof.
4. That para No.4 of the application needs no reply. Regarding the facts relating to the law laid down by the Hon'ble Apex Court are matters of record.

5. That para No.5 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Commission are matters of record.
6. That para No.6 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Commission or Tribunal are matters of record.
7. That para No.7 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal are matters of record.
8. That para No.8 of the application needs no reply. However, the applicant is put to strict proof thereof.
9. That para No.9 of the application needs no reply. However, the applicant is put to strict proof thereof.
10. That para No.10 of the application needs no reply. However, the applicant is put to strict proof thereof.

11. That para No.11 of the application needs no reply. However, the applicant is put to strict proof thereof.
12. That para No.12 of the application needs no reply. However, the applicant is put to strict proof thereof.
13. That in reply to para No.13 of the application, it is submitted that the answering respondent is following the orders passed by the Hon'ble Courts and Tribunals in running his business.
14. That in reply to para No.14 of the application, it is submitted that the answering respondent is following the orders passed by the Hon'ble Courts and Tribunals in running his business. However, the work of the answering respondent remains closed in winter season and the answering respondent runs its business activities only for four months of summer season.

15. That para No.15 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Apex Court are matters of record.
16. That para No.16 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Apex Court are matters of record. However, it is submitted that the business of the answering respondent runs only four months of summer seasons by following all rules and regulations/guidelines issued by the concerned authorities and complying with the orders of the Hon'ble Apex Court and Tribunals.

REPLY TO GROUNDS:

- A. That this ground needs no reply. However, the application is put to strict proof thereof.
- B. That this ground relates to the concerned Authorities, therefore, needs no reply.

- C. That this ground needs no reply as the same relates to respondent No.5. However, the application is put to strict proof thereof.
- D. That this ground needs no reply as the same relates to respondent No.5. However, the application is put to strict proof thereof.
- E. That this ground needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal, the same are matters of record.
- F. That this ground needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal, the same are matters of record.
- G. That in reply to this ground it is submitted that the answering respondent is following all rules and regulations issued by the Hon'ble Tribunal and the State Pollution Control Board as well as Central Pollution Control Board and other concerned

authorities, in running its business as submitted in foregoing paras of the reply. Therefore, no orders/directions are required to be passed against the answering respondent.

- H. That this ground needs no reply. However, the applicant is put to strict proof thereof.
- I. That this ground needs no reply. Regarding the facts relating to the orders/law passed and laid down by the Hon'ble Apex Court, the same are matters of record.
- J. That this ground needs no reply. Regarding the facts relating to the orders/law passed and laid down by the Hon'ble Apex Court, the same are matters of record.
- K. That this ground needs no reply. However, the applicant is put to strict proof thereof.

Para regarding jurisdiction, it is submitted that the Hon'ble Court has no jurisdiction to try, decide and entertain the present petition as business/work place of the answering respondent is located in Hissar, Haryana.

Para regarding limitation and cause of action, it is submitted that no cause of action ever arose in favour of the applicant and against the answering respondent and the present application is barred by law of limitation.

The prayer clause of the application is wrong, false and denied. It is submitted that in view of the above submissions, the applicant is not entitled to any relief as alleged in the petition against the answering respondent.

In view of the facts set out herein above, and the submissions made herein above, the applicant is not entitled to any relief as alleged against the answering respondent. It is most respectfully prayed that this Hon'ble Court be pleased to dismiss the present

application with exemplary cost against the answering respondent.


RESPONDENT NO.90

DELHI.

DATED:

THROUGH




RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.90

VERIFICATION:

Verified at Hissar on this ____ day of January, 2025 that the contents of the reply to the application are true and correct to my knowledge and those of paras No.1 to 10 of the preliminary objections are based upon legal information received and believed to be true. Last Para is prayer to this Hon'ble Court.


RESPONDENT NO.90

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

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

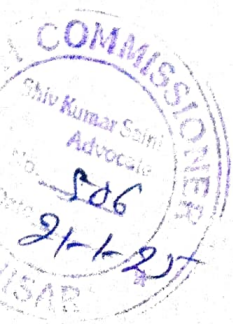
VERSUS

THE UNION OF INDIA & ORS. ... RESPONDENTS

AFFIDAVIT

I, Rajesh Kumar Agarwal S/o Nager Mal Agarwal,
authorized signatory of M/s Fresh Food Agro Industries,
225/226, Sector 27-28, Industries Area, Hisar Haryana,
do hereby solemnly affirm and declare as under:-

1. That I am the authorized signatory respondent No.90 in the above noted application and am well conversant with the facts of the case and as such competent to swear this affidavit.
2. That the accompanying reply to the application has been drafted by counsel for the respondent No.90 under its instructions and the contents thereof have



been read over and explained to me in vernacular and after understanding the contents of the same, I state that the same are true and correct to my knowledge derived from the records. The contents of the accompanying reply to the application may be read as part and parcel of this affidavit and the same are not being repeated herein for the sake of brevity.

Rejesh Kumar
DEPONENT

VERIFICATION:-

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

Rejesh Kumar
DEPONENT



...stated that the above was declared on oath before me on this 21 day of Jan 2025 at Hissar in the presence of Suren Desai who is a Advocate by name Certified that the contents of the above have been read & explained to Suren Desai who deemed proper to sign and the same at the time making thereof.

Suren Desai
 Oath Commissioner, HISSAR

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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... APPLICANT

VERSUS

THE UNION OF INDIA & ORS.

... RESPONDENTS

N.D.O.H.: 17.02.2025



LIST OF DOCUMENTS

1. Authorization letter made by the respondent company in favor of the respondent.
2. Copy of Aadhar Card
3. Copy of Udyog Aadhar Registration Certificate.

DELHI.

DATED:

THROUGH



RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.90

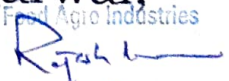


To whom it may concern:

Today on dated: 3rd of January, 2025, at 10:30 a.m. Board of Directors meeting has been held in which Board of Directors appointed to Mr. Rajesh Kumar Agarwal S/o Nager Mal Agarwal as Authorized Signatory of Fresh Food Agro Industries to file Vakalatnama, Reply, Affidavit of Evidence along with all other Legal Work in the Legal case titled as Rakesh Kumar Versus Union Of India & ors. on behalf of Company i.e. Fresh Food Agro Industries.

Director,
Rajesh Kumar Agarwal,

For Fresh Food Agro Industries


Auth. Signatory

Fresh Food Agro Industries

Plot No. 225-226, Sector 27-28, Industrial Area, Hisar-125044 Haryana (India)

GSTIN- 06AADFF8953C1ZI

www.gozzy.co.in

Contact :- 7206817705, 9215589770

email: moditgupta12345@gmail.com

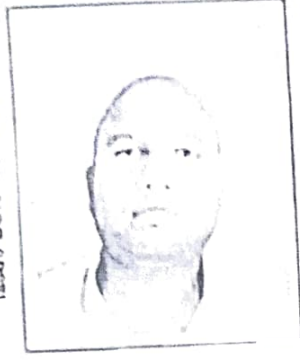
Mfrs. of :- Hygiene & Superior Quality of Juices in Aseptic Brick Pack & Bottles.



भारत सरकार
Government of India



Issue Date: 05/09/2013



राजेश कुमार अग्रवाल
Rajesh Kumar Agarwal
जन्म तिथि / DOB
पुरुष / Male



मेरा आधार, मेरा पहचान



भारतीय विशिष्ट पहचान प्राधिकरण
(Unique Identification Authority of India)



पता
भ

Print Date: 02/07/2022



1947



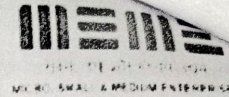
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213

मि.स.मि. उद्योग आधार केंद्र
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES



21



| | | | | |
|----------|--------------------|--------------|-------|--------|
| B | Type of Enterprise | Micro | Small | Medium |
| | Manufacturing | A | B | C |
| | Services | D | E | F |
| | UAM No. | HR06B0009072 | | |

Udyog Aadhaar Registration Certificate

Udyog Aadhaar Number: HR06B0009072
 Name of Enterprise: FRESH FOOD AGRO INDUSTRIES

Location of Plant Details

| SN | Flat/Door/Block No. | Name of Premises/Building Village | Road/Street/ Lane | Area/Locality | City | Pin | State | District |
|----|---------------------|-----------------------------------|-------------------|---------------|-------|--------|---------|----------|
| 1 | PLOT NO 225-226 | SECTOR 27-28 | HISAR | HISAR | HISAR | 125001 | HARYANA | HISAR |

Official Address of Enterprise

PLOT NO 225-226 SECTOR 27-28
 District: HISAR State: HARYANA PIN: 125001
 Mobile No: 9992022822 Email: moditgupta12345@gmail.com

Date of commencement

01/04/2015

Major Activity

MANUFACTURING

Enterprise Type

Small

Previous Registration details-if any

::

National Industry Classification Code

| SN | NIC 2 Digit | NIC 4 Digit | NIC 5 Digit Code | Activity Type |
|----|-----------------------------------|--|--|---------------|
| 1 | 10 - Manufacture of food products | 1030 - Processing and preserving of fruit and vegetables | 10304 - Manufacture of fruit or vegetable juices and their concentrates, squashes and powder | Manufacturing |

Acknowledgement

Date of Filing

07/04/2020

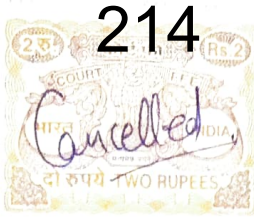
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**VAKALAT — NAMA**

In The Court of Hon'ble National Green Tribunal, Principal Bench, New Delhi
Rakesh Kumar V/s Union of India & ors.

Know All to whom these present shall income that I/We Rajesh K. Agarwal 3/o Nager
Mal Agarwal Auth. Sign. of Fresh food Agro Ind. at 225/226, Sec-28, Hisar (Hry)

Do here appoint

Surender Soni & Randhir Kumar,
Advocates,

En No. D- 1809/2001, D-3227/2011

Ch. No. 276, Old Block- IInd, Delhi High Court, New-Delhi

(M.) 98184-03688, 91234-16910

Email: soni.surenderk13@gmail.com

[Here in after called the advocate) to be my/our Advocate in the noted case and authorize him:- to act appear and plead in the above noted case in this court or in any other Court or tribunal in which the same may be tried or heard and also in the appellate Courts.

To Sign, file and present pleading, replications, appeals, cross objection or petitions or executions revision restoration withdrawals compromise or other petitions replies, objections or affidavits or other documents as may be deemed necessary proper for the prosecution of the said case in all stages.

To file and take back documents.

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 out execution processing.

To appoint any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred upon the advocate whenever he may think fit do and to sign the power of attorney on out behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter as my/our own act as it is done by me/us to all intents and purpose.

And I/We the undertaken that I/We or my/our duly authorized agent would appear in Court on all hearing and will inform the advocate for appearance. When the case is called.

And I/We the undersigned to hereby agree not to hold the advocate or his substitute responsible for result of aid case in consequence of his absence from the Court when the said case is called up for hearing or for any negligence of said advocate or his substitute.

And I/We undersigned to hereby agree that in the event of the whole or one part of the fees 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 pad-up. If any costs are allowed for an adjournment the Advocate would be entitled to the same.

In the witness where of I/We do hereby set my/our hands to these presents of which have been understood by me/us this 3rd of July, 2025

Advocate

Fresh Food Agro Industries
Client Auth. Signatory



Surender Soni <soni.surenderk13@gmail.com>

Reply on behalf of Respondents no. 26,38,39,45,49,57,90 in case no. OA No.582/2024

1 message

Surender Soni <soni.surenderk13@gmail.com>
To: pulkit Kapoor <pulkitkapoor099@gmail.com>

Wed, Jan 22, 2025 at 3:33 PM

Rakesh Kumar versus The Union Of India pending Before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

We refer to the matter above and confirm that we act for Respondents no. 26,38,39,45,49,57,90 in this matter.

The O.A. mentioned above is listed for hearing on 17-2-2025 at 10.00 am to answer the application and to file the written statement.

(Note: Pdf of Written Statement along with copy of documents is also attached with this email.)

Regards,

Attachments below:

Respondent 57_compressed_compressed.pdf

Respondent 90_compressed.pdf

5 attachments

Respondent 26.pdf
5742K

Respondent 38.pdf
5536K

Respondent 39.pdf
6346K

Respondent 45.pdf
5315K

Respondent 49_compressed.pdf
2594K