

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

ORIGINAL APPLICATION NO. 582 OF 2024

**IN THE MATTER OF:**

RAKESH KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

**INDEX**

S.NO.	PARTICULARS	PAGE NO.
1.	Reply on the behalf of the Respondent No. 8 along with supporting affidavit	1-10
2.	<b>ANNEXURE R-8/1:</b> Letter bearing no. HSPCB/HR/2024/1279 dated 08.10.2024	11
3.	<b>ANNEXURE R-8/2:</b> Copy of HSPCB Consent dated 31.08.2024	12-14
4.	<b>ANNEXURE R-8/3:</b> Screenshot of GPS of unit/industry	15
5.	<b>ANNEXURE R-35/4:</b> Authority Letter	16
6.	Proof of Service	17

FILED AT: NEW DELHI

DATED: 21.12.2024



Respondent No. 8

Through:

Mr. Ashish Rohlania and Mr. Fahad Imtiaz  
Counsel for the Respondent No. 8

**AF PARTNERS**

Advocates & Legal Consultants

119, Lawyer's Chamber Block,

Saket District Court, New Delhi

Mob. No. 9643196995, 9634399361

Email: [fahadimtiaz11@gmail.com](mailto:fahadimtiaz11@gmail.com)



3. That the National Capital Region (NCR) guidelines for fuel use are designed to address specific air quality challenges unique to NCR, a highly polluted area. Hisar, being outside NCR and approximately 157 km from Delhi, is not subject to these guidelines. It is submitted that the applicant's prayer lacks merit as the CAQM guidelines explicitly pertain to NCR and have no statutory authority over non-NCR areas like Hisar. Imposing NCR-specific restrictions on industries in non-NCR regions like Hisar would create inequitable conditions for these industries. Hisar industries have distinct regulatory and environmental contexts that must be considered. In *Indian Council for Enviro-Legal Action v. Union of India (1996) 3 SCC 212*, the Hon'ble Supreme Court emphasized that environmental policies must consider local conditions. Blanket imposition of regulations designed for a specific region is neither practical nor equitable. Hence, at a distance of 157 kilometers, emissions from Hisar industries have a negligible impact on NCR air quality. Applying NCR-specific policies to Hisar lacks scientific and environmental justification.

4. The Haryana State Pollution Control Board, **HSPCB's Order No. I/125959/2022 (dated 21.07.2022)** for non-NCR areas allows industries to use fuels like wood, biomass, rice husk, and others. The answering respondent unit adheres to these standards and is operating within the approved legal framework. The answering respondent has installed requisite air pollution control devices (APCDs), as verified during the inspection on 29.08.2024.

A copy of Letter bearing no. HSPCB/HR/2024/1279 dated 08.10.2024 is annexed as **Annexure R-8/1**.

This aligns with the principles laid out in *Vellore Citizens' Welfare Forum v. Union of India [(1996) 5 SCC 647]*, where the implementation of pollution control measures by industries was deemed sufficient compliance with environmental norms. It was held that industries adhering to approved standards cannot be penalized arbitrarily. The Court further held that pollution control norms should be applied uniformly and based on specific regional requirements. **M/s Actilife Organics** (Respondent No. 8) holds a valid consent to operate granted by HSPCB for the period 28.08.2024 to 31.03.2029 (No. HSPCB/ Consent/

313282624HISCTO76369779 dated 31.08.2024). An inspection on 29.08.2024 confirmed the proper installation and functioning of Air Pollution Control Devices in line with their approved scheme.

A copy of HSPCB Consent dated 31.08.2024 is annexed as **Annexure R-8/2**.

5. It is further submitted that imposing the use of PNG universally on industries in non-NCR areas without sufficient infrastructure and economic support would place an undue burden on small and medium-sized enterprises like cashew processing units. As of December 2024, Haryana City Gas has commenced Piped Natural Gas (PNG) supply in sectors 9 and 11 of Hisar. The company is actively expanding its PNG network to serve more residential, commercial, and industrial customers in the area. While specific details about the number of operational PNG stations in Hisar are limited, Haryana City Gas is dedicated to broadening its services to meet the growing demand for natural gas in the region. Mandating PNG without considering local infrastructure, economic feasibility, and regulatory context violates principles of proportionality and fairness.

6. That it is further respectfully submitted that the use of wood as a fuel in boilers, especially if sourced sustainably, aligns with the principles of environmental sustainability. Furthermore, alternative fuels like PNG are still being promoted in Hisar but are not mandatory under current regulations. In *MC Mehta v. Union of India (1997) 2 SCC 353*, the Hon'ble Supreme Court emphasized the need to balance environmental protection with industrial development, especially for small-scale and rural industries. It is further submitted that the industry is emphasizing its efforts to procure wood sustainably, reducing environmental impact compared to fossil fuels like diesel.
7. As established in *M.C. Mehta v. Union of India (2001)*, directives issued for specific zones or regions are binding only within those zones unless explicitly extended by competent authorities.
8. That the applicant's prayer to enforce NCR-specific fuel mandates on Hisar would infringe upon industries' rights to operate under approved norms. In *A.P. Pollution Control Board v. Prof. M.V. Nayudu (1999)*, the Court held that environmental regulations must be applied reasonably, taking into account the specific geographical, economic, and operational contexts of industries.

9. The Hon'ble Supreme Court, in *T.N. Godavarman Thirumalpad v. Union of India [(1997) 2 SCC 267]*, emphasized balancing environmental concerns with economic activities, particularly in rural industries crucial to local economies. Transitioning to PNG, while encouraged, imposes a financial burden on small and medium industries, particularly in regions like Hisar, where PNG availability is still nascent. The cashew nut processing industry relies on cost-effective fuels such as wood and biomass, and its operations are consistent with the principles of sustainable development. HSPCB has actively promoted the transition to PNG in Hisar, leading to eight units adopting this cleaner fuel source. However, this transition remains voluntary for non-NCR areas.
10. In *Research Foundation for Science v. Union of India [(2005) 13 SCC 186]*, the Hon'ble Supreme Court underscored that while adoption of cleaner technologies is desirable, it cannot be forced where financial and infrastructural constraints exist.
11. The answering respondent's operations must continue under the regulatory framework established by HSPCB for non-NCR areas, ensuring compliance with the Air Act, 1981, and associated pollution control measures. The applicant's prayer to apply NCR-specific

directives to Hisar is inclined to be dismissed, as it lacks legal and factual justification. A direction to the authorities to provide infrastructural and financial support for a phased, voluntary transition to PNG should be considered as a more sustainable and equitable solution rather to compel on transition to PNG as allegedly prayed by the applicant.

12. The respondent industries, including M/s Actilife Organics, are in full compliance with HSPCB-approved norms and the Air Act, 1981. Extending NCR-specific mandates to Hisar without legislative or regulatory sanction would be legally unsustainable and contrary to the principles of natural justice. Furthermore, the ongoing efforts to transition industries to cleaner fuels like PNG highlight a commitment to environmental sustainability without compromising the economic viability of industries. The applicant's prayer must therefore be dismissed as untenable.
13. That the prayer clause of the present original application is untenable, frivolous, wrong and incorrect, hence, specifically denied and is required to be rejected and dismissed with exemplary cost. The applicant is not entitled to any relief as prayed for or at all.

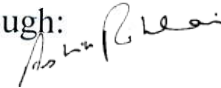
In view of the submissions and objections made herein above and the facts and circumstances mentioned herein above, the present application is liable to be dismissed and ought to be dismissed.


Filed at: New Delhi

Dated: 21.12.2024



Respondent No. 8

Through: 

Mr. Ashish Rohlania and Mr. Fahad Imtiaz 

Counsel for the Respondent No. 8

**AF PARTNERS**  
Advocates & Legal Consultants  
119, Lawyer's Chamber Block,  
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 582 OF 2024

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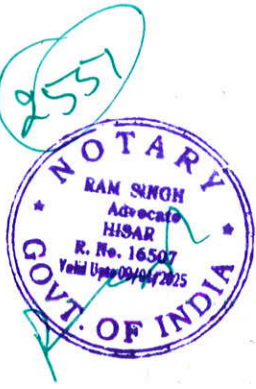
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UNION OF INDIA & ORS. ....RESPONDENTS

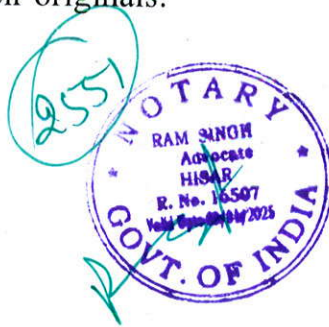
AFFIDAVIT

I, Aditya Garg S/o Shri Mukesh Garg R/o House No. 252, Model Town, Hisar, Haryana 125001, Authorized Representative of M/s Actilife Organics situated at Khasra No 35 , VPO Kohli, Kohli-Kherampur Road, Adampur, Hisar, Haryana do hereby solemnly affirm and declare as under: -

1. That I am the authorize representative of the respondent no. 8 firm in the above noted original application and as such I am well conversant with the facts and circumstances of the case on the basis of knowledge and derived from the records and I am competent to swear this affidavit.



- 2. That the contents of accompanying reply have been drafted by my counsel under my instructions. The contents of the same may kindly be read as an integral part of this affidavit as the contents of the same have not been repeated herein for the sake of brevity and to avoid repetition. I have gone through the averments made therein and I say that the contents of the same are true and correct to my knowledge and belief.
  
- 3. I say that the documents annexed along with the reply are the true copies of their originals.



VERIFICATION

I, the above-named deponent, do hereby verify on solemn affirmation that the contents of Para No.1 & 3 of this affidavit are true and correct as per my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at \_\_\_\_\_ on this \_\_\_\_\_ day of December 2024.



**ATTESTED**  
*[Handwritten Signature]*  
**NOTARY, HISAR**

21 DEC 2024

ANNEXURE<sup>185</sup>R-8/1

11

Tele No. 01662-250890

Regional Office

**Haryana State Pollution Control Board,**

Regional Office: Bays No. B-7, 8, Urban Estate-II, Hisar -125005

Email-hspcbrohr@gmail.com



No. HSPCB/HR/2024/ 1279

Dated: 8-10-24

To

M/s Actilife Organics,  
Khasra No 35, VPO Kohli, Kohli-Kherampur Road, Adampur,  
Distt Hisar.

**Sub: Intimation regarding status of APCD installed by M/s Actilife Organics, Khasra No 35, VPO Kohli, Kohli-Kherampur Road, Adampur, Distt Hisar.**

In this connection, it is intimated that the unit was inspected by the concerned field office on 29.08.2024 regarding the compliance status of APCD installed in the unit. On inspection dated 29.08.2024, the Air Pollution Control Device found installed properly and the Air Pollution Control Device installed by M/s Actilife Organics, Khasra No 35, VPO Kohli, Kohli-Kherampur Road, Adampur, Distt Hisar are accordance with the scheme submitted to Haryana State Pollution Control Board under Air Act, 1981. Further the unit is directed to operate the pollution control devices regularly to achieve the prescribed standards.

  
Regional Officer  
Hisar Region





## HARYANA STATE POLLUTION CONTROL BOARD

Bays B-7-8, Near Vishwas Sr.Sec. School, E-II,  
Hisar Ph. 01662-250891(O) Email:-

hspcbprohr@gmail.com

E-mail: hspcb@hry.nic.in



No. HSPCB/Consent/ : 313282624HISCTO76369779

Dated:31/08/2024

To.

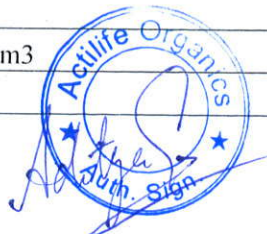
M/s :Actilife Organics

Khasra No 35 , VPO Kohli, Kohli-Kherampur Road, Adampur, Hisar

Subject: Grant of consent to operate to M/s Actilife Organics.

Please refer to your application no. 76369779 received on dated 2024-08-20 in regional office Hissar. With reference to your above application for consent to operate, M/s Actilife Organics is here by granted consent as per following specification/Terms and conditions.

<b>Consent Under</b>	BOTH
<b>Period of consent</b>	28/08/2024 - 31/03/2029
<b>Industry Type</b>	Cashew nut processing
<b>Category</b>	ORANGE
Investment(In Lakh)	425.0
Total Land Area(Sq. meter)	11104.0
Total Builtup Area(Sq. meter)	3042.0
<b>Quantity of effluent</b>	
1. Trade	0.0 KL/Day
2. Domestic	0.5 KL/Day
Number of outlets	1.0
<b>Mode of discharge</b>	
1. Domestic	septic tank with soak pit
2. Trade	
<b>Domestic Effluent Parameters</b>	
1. NA	
<b>Trade Effluent Parameters</b>	
1. NA	
Number of stacks	1
<b>Height of stack</b>	
1. Stack attached to Boiler 1 TPH	30 Meter
<b>Emission parameters</b>	
1. SPM	500 mg/m <sup>3</sup>
<b>Product Details</b>	

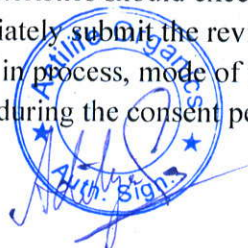


1. Cashew Nuts	1.32 Metric Tonnes/day
<b>Capacity of boiler</b>	
1. Boiler	1 Ton/hr
<b>Type of Furnace</b>	
1. NA	
<b>Type of Fuel</b>	
1. Wood	0.5 Ton/day
2. Electricity	0.5 Kilowatt/day
3. Diesel	0.3 KL/day
<b>Raw Material Details</b>	
Raw Cashew Nuts	6.25 Metric Tonnes/Day

*Regional Officer, Hissar*  
*Haryana State Pollution Control Board.*

#### Terms and conditions

1. The applicants shall maintain good house keeping both within factory and in the premises. All hose pipelines valves, storage tanks etc. shall be leak proof. In plant allowable pollutants levels, if specified by State Board should be met strictly.
2. The applicant/company shall comply with and carry out directive/orders issued by the Board in this consent order at all subsequent times without negligence of his /its part. The applicant/company shall be liable for such legal action against him as per provision of the law/act in case of violation of any order/directives. Issued at any time and or non compliance of the terms and conditions of his consent order.
3. The applicant shall make an application for grant of consent at least 90 days before the date of expiry of this consent.
4. Necessary fee as prescribed for obtaining renewal consent shall be paid by the applicant alongwith the consent application.
5. If due to any technological improvement or otherwise this Board is of opinion that all or any of the conditions referred to above required variation (including the change of any control equipment either in whole or in part) this Board shall after giving the applicant an opportunity of being heard vary all or such condition and there upon the applicant shall be bound to comply with the conditions so varied.
6. The industry shall provide adequate arrangement for fighting the accidental leakages, discharge of any pollutants gas/liquids from the vessels, mechanical equipment etc. which are likely to cause environment pollution.
7. The industry shall comply noise pollution (Regulation and control) Rules, 2000.
8. The industry shall comply all the direction/Rules/Instructions as may be issued by the MOEF/CPCB/HSPCB from time to time.
9. The industry shall ensure that various characteristics of the effluents remain within the tolerance limits as specified in EPA Standard and as amended from time to time and at no time the concentration of any characteristics should exceed these limits for discharge.
10. The industry would immediately submit the revised application to the Board in the event of any change in the raw material in process, mode of treatment/discharge of effluent. In case of change of process at any stage during the consent period, the industry shall submit fresh



consent application alongwith the consent to operate fee, if found due, which may be on any account and that shall be paid by the industry and the industry would immediately submit the consent application to the Board in the event of any change during the year in the raw material, quantity, quality of the effluent, mode of discharge, treatment facilities etc.

11. The officer/official of the Board shall reserve the right to access for the inspection of the industry in connection with the various process and the treatment facilities. The consent to operate is subject to review by the Board at any time.

12. Permissible limits for any pollutants mentioned in the consent to operate order should not exceed the concentration permitted in the effluent by the Board.

13. The industry shall pay the balance fee, in case it is found due from the industry at any time later on.

14. If the industry fails to adhere to any of the conditions of this consent to operate order, the consent to operate so granted shall automatically lapse.

15. If the industry is closed temporarily at its own, they shall inform the Board and obtain permission before restart of the unit.

16. The industry shall comply all the Directions/ Rules/Instructions issued from time to time by the Board.

17. Industry should adopt water conservation measures to ensure minimum consumption of water in their process. Ground water based proposals of new industries should get clearance from Central Ground Water Authority (CGWA)/ Haryana Water Resources (Conservation, Regulation and Management) Authority (HWRA) for scientific development of precious resource.

18. The industrial/non industrial sector projects shall develop green belt (as applicable) in its premises including periphery, entry and exit, as per notifications/conditions of EC/directions of MOEF/CPCB/SPCB/NGT/ any court of law. In case of stone crushers, hot mix plants, mineral grinding units, screening plants and brick kilns etc., the unit shall develop adequate green belt and erect barrier/barricade/boundary wall as applicable, as per notifications/directions of MOEF/CPCB/SPCB/NGT/ any court of law.

19. The unit shall develop paved or hard surfaced approach road to the site of unit (including the storage site, if it is at different place) from the nearest public road for transportation of raw material/final product.

#### **Specific Conditions :**

1. The unit will be applied for CTO renewal 90 days from the expiry of this Valid CTO.
2. Unit will operate PCD devices properly i.e. APCM.
3. The unit will maintain the logbook of APCM.
4. The unit will not use banned fuel i.e. pet coke, furnace oil & use only fuels approved by HSPCB vide order no.4023-4076 dated 12.12.2018.
5. The Unit will pay balance fee if found at any stage.
6. The unit takes permission of the competent authority for groundwater extraction.
7. The Unit will submit the air analysis report from Board laboratory within 90 days from the date this CTO is granted.
8. The unit will not make any trade effluent discharge from the process.



*Regional Officer, Hissar*  
*Haryana State Pollution Control Board.*



Hisar, HR, India

Adampur, Hisar, 125052, HR, India

Lat 29.290643, Long 75.522886

08/29/2024 11:09 AM GMT+05:30

Note: Captured by GPS Map Camera

*(Handwritten signature and stamp)*  
Actilife Organics  
Auth. Sign



## Actilife Organics

Khasra No. 35, Kohli-Kherampur Road,  
VPO Kohli, Adampur (Hisar) 125 052  
99967 53444, 99961 71172  
actilifeorganics@gmail.com

### RESOLUTION

In the meeting held on 09.12.2024 by the Partners of the Firm M/s. **Actilife Organics**, It is hereby resolved that the Firm M/s **Actilife Organics.**, now proposes to appoint **Mr. Aditya Garg, Partner as their appointed authorized representative** to protect interest of the Firm and its Partners and shall contest the matter bearing Case No. OA/582/2024, cause titled as **M/s Rakesh Kumar Versus Union of India & Ors.** pending adjudication before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, therefore, the authorized representative shall file appeal, writ/ petition/ Reply/ misc. applications, rejoinder, documents, evidence, depose as witness, contest, appear, settle, withdraw, file affidavit, give evidence by way of affidavit, to appear as a witness, etc. before the Hon'ble Court/s, tribunal/s, forum/s. etc. so as to protect the interest of the firm and of its Partners or to do any other act as may be deemed necessary to protect the interests.

It is hereby resolved that **Mr. Aditya Garg**, Partner of the Firm is further authorized to appoint advocates / Attorneys / Pleaders / Vakils / Solicitors / Authorized Legal Representatives / Legal Practitioners to file and contest the matter cause titled as **M/s Rakesh Kumar Versus Union of India & Ors.** pending adjudication before the Hon'ble National Green Tribunal.

**Mr. Aditya Garg**, Partner of the Firm has further been authorized to take all steps as required under provision of law and to take all necessary steps to sign, to verify, to give affidavits for and on behalf of firm, to attest, to reply, to file an appeal, to file any appeal/s and / or revisions and/ or writ petitions and/or misc. applications, to appear and depose for and on behalf of the firm, to settle any claim, to withdraw or any other or further act which may be required for proper adjudication of the matter and in the interest of the firm and to appoint Advocates, Pleaders, Attorneys as required.

The Firm and its Partner hereby agree to abide by and to ratify all the acts done by **Mr. Aditya Garg** in this regard.

**By Order of the Board.**

Partner/s

Dated: 09.12.2024





Fahad Imtiaz &lt;fahadimtiaz11@gmail.com&gt;

**CASE: Rakesh Kumar Vs Union of India [OA/582/2024]**

1 message

Fahad Imtiaz &lt;fahadimtiaz11@gmail.com&gt;

Sun, Dec 22, 2024 at 1:08 AM

To: Pulkit Kapoor &lt;pulkitkapoor099@gmail.com&gt;

Cc: Actilifeorganics@gmail.com, Ashish Rohlania &lt;ashishrohlania20@gmail.com&gt;, afpartnersandassociates@gmail.com

Dear Pulkit,

Greetings from the Law Office of **AF Partners!**

We write in reference to the above captioned subject matter.

We say that we are concerned for our client and do hereby write to you under instructions.

Please find the enclosed advanced notice of the Reply along with documents, on behalf of respondent No. 8 (Actilife Organics), in the case titled as "**Rakesh Kumar Vs Union of India [OA/582/2024]**" pending adjudication before Hon'ble National Green Tribunal at New Delhi.

Take notice that the advance service of the Reply along with the documents by way of the present email shall be construed as proper and effective service upon you the addressees for all necessary actions and purposes.

--

Thanks &amp; Regards,



**FAHAD IMTIAZ | PARTNER**  
BBA, LL.B (HONS.)  
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Email: [fahadimtiaz11@gmail.com](mailto:fahadimtiaz11@gmail.com);

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