

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH NEW DELHI****Execution Application No.46/2023**

In

Original Application No. 989/2019**IN THE MATTER OF:**

Ved Prakash Aggarwal

Applicant

Versus

Municipal Commissioner Nagar Nigam Ghaziabad & Ors

Respondents

And in the matter of

Manoj Tyagi

(Present Execution Applicant)

Versus

Uttar Pradesh Pollution Control Board & Ors

(Respondents)

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Through

Filed By:



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Place: New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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REPLY ON BEHALF OF THE RESPONDENT NO. 1, 2, 3, 5
AND 7 TO 14 TO THE E.A. 46/2023 IN O.A 989/2019.

MOST RESPECTFULLY SHOWETH: -

1. That the present Reply is being filed by the Respondents in compliance of the order passed by this Hon'ble Principal Bench of National Green Tribunal on dated 18.12.2024.

PRELIMINARY OBJECTIONS:

1. That the present Application U/O 1 Rule 10 of CPC, 1908 for impleadment of the Respondents is not maintainable.
2. That as per statutory provisions of the National Green Tribunal Act, 2010, the present Application U/O 1 Rule 10 of CPC, 1908 is not maintainable as the Sub Section (1) of Section 19 of the National Green Tribunal Act categorically states as follows:

(1) "The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice."

Therefore, it is humbly submitted before this Hon'ble Principal Bench of Tribunal that this Hon'ble Bench has no power to try this case under the Code of Civil Procedure.

3. That if at all Civil Procedure Code, 1908 is applicable then also the present Execution Applicant is misleading to this Hon'ble Principal Bench of Tribunal through his Application U/O 1 Rule 10 of CPC, 1908 and is liable to be dismissed outrightly as the present Applicant was not there in the Original Application and he is the stranger in the Execution Application.

4. That if at all Civil Procedure Code, 1908 is applicable then also the present Execution Applicant is misleading to this Hon'ble Principal Bench of Tribunal through his Application U/O 1 Rule 10 of CPC, 1908 as there is no specific ground mentioned in the I.A Application indicating any illegal activity of the innocent Respondents.
5. That if at all Civil Procedure Code, 1908 is applicable then also the present Application U/O 1 Rule 10 of CPC, 1908 is liable to be dismissed outrightly as the Sub Rule (4) of O.1 R.10 categorically itself says that where a defendant is added, the plaint shall be amended in such manner as may be necessary and amended copies of the summons and of the plaint shall be served on the new defendants.

That Order 1 Rule 10 of Civil Procedure Code, 1908 states as follows:

“10. Suit in name of wrong plaintiff.—(1) Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

(2) Court may strike out or add parties.—The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the

name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(3) No person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without his consent.

(4) Where defendant added, plaint to be amended.—Where a defendant is added, the plaint shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons and of the plaint shall be served on the new defendant and, if the Court thinks fit, on the original defendant

(5) Subject to the provisions of the 1 [Indian Limitation Act, 1877 (XV of 1877)], section 22, the proceedings as against any person added as defendant shall be deemed to have begun only on the service of the summons.”

6. That it is pertinent to mention here that the Execution Applicant was nowhere the party in the Original Application and just to settle his personal scores with the Respondents, the Applicant impleaded the innocent Respondents.
7. That the present Application U/O 1 Rule 10 of CPC, 1908 is liable to be dismissed as the present Execution Applicant has no locus standi in the Main Original Application.

8. That the Executant Application is not a House Tax payer and is not paying the Municipality Tax and even not filing PTR (Property Tax Return).

Para Wise Reply:

1. That the contents of para no. 1 is stated to be false and wrong and hence denied. That it is denied that the Execution Application has been filed highlighting the inaction and non-filing of Action Taken Report by the UPPCB. However, it is submitted that the present alleged impleaded Execution Application is being filed with mala fide intention just to settle the personal score with the innocent Respondents.
2. That the contents of the para no. 2 is false, concocted and wrong and hence denied in toto.
3. That the contents of para no. 3 is stated to be matter of record, anything contrary to the true facts and record is denied specifically in the Reply.
4. That the contents of the para no. 4 is false and denied. It is submitted that the Applicant just to settle his personal score selected the name of the alleged impleaded parties added their name with a mala fide intention. It is submitted that the names given by the Applicant are law abiding citizens of India and working and earning legally.
5. That the contents of para no. 5 is false and denied. It is submitted that the Applicant without any documentary

and corroborative evidence made allegations against the other named person in the said para. It is submitted that the names given by the Applicant are law abiding citizens of India and working and earning legally.

6. That the contents of para 6 are false and denied. It is submitted that the Applicant with mala fide intention misled this Hon'ble Tribunal and named the innocent dairy owners as the party to settle his personal score with the dairy owner.

Prayer Clause:

Under the above true facts and circumstances and submissions made in Preliminary objections and para wise reply, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to unconditionally dismiss the present Execution Application with heavy costs and in the interest of justice.

It is prayed accordingly.

Dated: 14.04.2025

Through

Filed By:



*Pradeep Kumar Yadav & Associate Advocates
103, C.K. Daphrary Block
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New Delhi – 110001
Mob: 9990662762*

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AFFIDAVIT

I, Naresh , S/o Sh. Dhrampal , R/o Raj Nagar / Keshav Nagar Colony
District Hapur U.P , presently at New Delhi do hereby take oath and
state as under:-



1. That I am the Respondent No. 5 & behalf of the others 1, 2, 3, and 7 to 14 in the above-mentioned Reply and fully conversant with facts and circumstances of the case hence competent to swear this affidavit Knowledge and belief.
2. That I have read over the contents of the accompanying Application and I state that the contents of the same are true and correct to the best of my knowledge and belief.
3. That the Annexures filed herewith are true copies of their respective originals.

नरेश माधव
DEPONENT

IDENTIFIED VERIFICATION:

Verified at Delhi this 14 APR 2025, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed there from.



14 APR 2025
ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498

नरेश माधव
DEPONENT

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

