

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

OA No. 350 OF 2025

IN THE MATTER OF:

DR. SANDEEP PAHAL

... APPLICANT

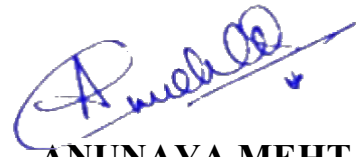
VERSUS

STATE OF U.P & ORS.

... RESPONDENTS

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CHAMBER NO. 388, BLOCK – 2
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NEW DELHI
DATED: 11.05.2026

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

OA No. 350 OF 2025

IN THE MATTER OF:

DR. SANDEEP PAHAL

... APPLICANT

VERSUS

STATE OF U.P & ORS.

... RESPONDENTS

**REPLY ON BEHALF OF M/S TRIVENI ENGINEERING &
INDUSTRIES LIMITED TO ADDITIONAL AFFIDAVIT DATED
25.02.2026 FILED BY THE APPLICANT**

1. By way of the captioned Original Application, the Applicant has prayed for the relief that action be taken against the Answering Respondent to curb water pollution and that penalty be imposed for the alleged pollution already caused. The answering Respondent's reply to the OA is already filed and on record, and the contents of the same may be read along with the present response to additional affidavit and the same are not being repeated herein for the sake of brevity.
2. At the outset, the Answering Respondent denies all the contents of the affidavit dated 24.02.2026 filed by Applicant and no part shall be deemed admitted, for the lack of specific traverse.

PRELIMINARY OBJECTIONS

3. On 03.12.2025, this Hon'ble Tribunal granted eight weeks to the Applicant to file his rejoinder to the reply filed by the Answering Respondent to the present OA. The said period of eight weeks has long since expired on 28.01.2026. However, no such rejoinder has been filed by the Applicant till date. Instead of filing his rejoinder within the time stipulated by this Hon'ble Tribunal, the Applicant filed an Additional Affidavit on the next date of hearing, i.e., 25.02.2026. In the said hearing, this Hon'ble Tribunal noted the Applicant's failure to file his rejoinder within the stipulated time and explicitly deprecated the practice of filing such affidavits on the date of hearing, noting that the same leads to unnecessary adjournments. The Hon'ble Tribunal gave a last opportunity to file the rejoinder within 3 weeks, however the said last opportunity has also since expired on 18.03.2026, and the Applicant has yet again failed to comply.
4. It is submitted that the Applicant's conduct makes it evident that the present Additional Affidavit is nothing but an attempt to abuse the process of the law, delay the proceedings, waste the precious time of this Hon'ble Tribunal, and prejudice the answering Respondent and malign its reputation, while simultaneously flouting the express directions to file a rejoinder within timelines laid down by this Hon'ble Tribunal. In view of the above, the Additional Affidavit deserves to be rejected at the threshold.
5. Without prejudice to the foregoing objections and all other rights and contentions of the Answering Respondent, the answering Respondent is filing the present reply.

PRELIMINARY SUBMISSIONS

i. ***The Applicant lacks personal knowledge and locus to make such allegations***

The Applicant, being a resident of Meerut, lacks personal knowledge regarding the alleged pollution in Khatauli and has made allegations based on hearsay and assumptions. Moreover, no local resident from the vicinity of the answering Respondent's unit has alleged any pollution or environmental harm, thereby undermining the credibility of the Applicant's claims.

ii. ***Contents of the Additional Affidavit are baseless and unsupported by any evidence***

6. In the Additional Affidavit, the Applicant has made bald and sweeping allegations that the answering Respondent has contributed to the allegedly severe water pollution of the river Kali , and the same is leading to losses to the people living in the vicinity of the answering Respondent's mill. All allegations in the affidavit are baseless, vague, wrong and unsupported by any evidence much less credible.

7. It is submitted that the material that the Applicant has sought to rely upon is irrelevant, and does not in any manner demonstrate that the answering Respondent is responsible for the pollution alleged to have been caused.

- a). Misplaced Reliance on unrelated photographs
8. The Applicant has sought to rely upon certain photographs purportedly depicting pollution in Kali Nadi. Firstly, it is submitted that the said photographs do not pertain to Kali Nadi. In fact, the same depict a pond, a local drain commonly known as the Islamabad / Khatauli drain on which check dams are constructed under the wetland project and of the merger point so called Kali Nadi and Khatauli drain. The attempt of the Applicant to misrepresent the said drain as Kali Nadi is misleading and intended to create a false and exaggerated impression before this Hon'ble Tribunal.
9. It is further clarified that the photographs do not depict any industrial water logging, instead they show a designated pond duly recorded in official revenue records. The surrounding drains are natural/local drainage channels which carry wastewater generated from the adjoining residential habitations and have no nexus whatsoever with the operations of the answering Respondent. The Applicant has deliberately suppressed these material facts and has attempted to mischaracterize a natural/recorded water body as industrial waterlogging, which clearly demonstrates mala fide intent to mislead this Hon'ble Tribunal. A copy of the relevant revenue records is annexed herewith as **Annexure R-1**, which conclusively establishes the true nature of the said land and completely demolishes the false narrative sought to be created by the Applicant.
10. In any case, it is pertinent to note that not a single photograph demonstrates any discharge of effluent by the answering Respondent, or any nexus whatsoever between the answering Respondent's operations and the alleged condition of the river or the

waterbody depicted. In the absence of such linkage, the photographs are completely irrelevant to the present OA and cannot form the basis of any finding against the answering Respondent.

b). Misplaced Reliance on uncorroborated newspaper reports

11. The Applicant has also annexed certain newspaper reports, however any reliance on the same would be wholly misplaced. The said reports merely contain bald and unverified assertions, unsupported by any independent investigation, scientific study, or expert material. Instead, they appear to proceed on a misconceived understanding of the present proceedings, despite the fact that it does not pertain to any alleged pollution of River Kali Nadi. It is submitted that mere annexation of such media reports does not confer any evidentiary value upon them. It is a settled proposition of law that newspaper reports are in the nature of hearsay evidence and cannot be treated as proof of facts unless independently substantiated by admissible and reliable material. The Applicant cannot be permitted to indirectly rely upon such inadmissible material by merely annexing it to the affidavit, without any supporting scientific data or verification. Such conduct amounts to an abuse of the process of law and deserves to be deprecated. Accordingly, the said media reports are liable to be ignored and discarded in limine.
12. It is further submitted that a bare perusal of the said media reports would reveal that all of them are dated 20.02.2026, i.e., immediately prior to the date fixed for hearing before this Hon'ble Tribunal on 25.02.2026. The striking similarity in the timing and language of the news reports, coupled with the statements allegedly given by the

Applicant to the news agencies during the pendency of the Original Application, and the manner in which photographs containing geo-tagging have been annexed with the published reports — which photographs have also been annexed to the present affidavit — clearly indicate that the said photographs were supplied by the Applicant as part of a calculated and deliberate attempt to introduce extraneous and sensational material on record, with the intent to create prejudice and improperly influence the proceedings, despite such material having no legal or evidentiary value in the eyes of law.

iii. The Answering Respondent has not engaged in any discharge of untreated effluent whether in the river Kali Nadi or otherwise

13. The answering Respondent has already addressed the allegations regarding discharge of any untreated effluent in its reply to the present OA, albeit none of such allegations in the OA or UPPCB reports pertained to the Kali Nadi River. The answering Respondent categorically denies any allegations regarding bypass or discharge of untreated effluent into the Islamabad Drain, Kali Nadi or otherwise. It is noteworthy to mention that the capacity of sugar mill is 16000 TCD and the capacity of the ETP is 3000 KLD and the Unit has crushed sugar cane within its crushing limits. That being the case, there is no occasion whatsoever or reason to discharge untreated effluent as the capacity of the ETP itself is sufficient to manage and treat the effluent generated from crushing of 16000 TCD of cane. It is submitted that any allegation of discharge of untreated effluent whether in the river Kali Nadi or otherwise are purely speculative, unfounded, scandalous, and not supported by any credible technical, analytical, or monitoring evidence.

14. It is submitted that the answering Respondent is operating its Effluent Treatment Plant (ETP) strictly in accordance with the norms and standards prescribed by the Central Pollution Control Board and the Uttar Pradesh Pollution Control Board and has undertaken substantial capital investment and technological upgradation to ensure continuous environmental compliance. The answering Respondent operates a well-designed and fully functional ETP comprising primary, secondary, and tertiary treatment systems in line with CPCB/UPPCB norms and the Sugar Industry Charter 2.0 requirements. The ETP includes, inter alia: screening and oil & grease trap, equalization tank, primary clarifier, anaerobic digestion system, two-stage aerobic treatment, aeration tank with diffused aeration, secondary clarification, activated carbon and sand filtration units, online continuous effluent monitoring system (OCEMS) connected with CPCB & UPPCB servers, and a mechanical sludge handling system. In fact, an advanced anaerobic digestion system was installed by the answering Respondent during the previous crushing season 2024–25 at a cost of INR 299.76 lakhs, in compliance with the requirements of CPCB Charter 2.0, which applies to the upcoming crushing season 2026–27. This clearly demonstrates the Respondent's proactive approach and continued commitment towards maintaining stringent environmental compliance standards.
15. It is reiterated that the ETP is of adequate capacity and is functioning properly; there exists no infrastructure for bypass of untreated effluent; and there is no occasion or reason for the answering Respondent to discharge untreated effluent. In fact, the unit has flow

meters at all major effluent-generating sources as well as at the inlet of the ETP system, and log book entries filed along with the Respondent's reply as Annexure R-7, clearly demonstrate that the entire effluent generated was routed through the ETP for treatment.

16. It is further submitted that independent sampling of the Islamabad drain was carried out through an NABL-accredited laboratory, namely Environment Management Centre. The analytical results clearly indicate the presence of heavy metals such as arsenic and lead, which are not characteristic of effluents generated from sugar manufacturing processes. The presence of such contaminants conclusively demonstrates that the pollution load is attributable to extraneous and unregulated sources and not to the operations of the answering Respondent.
17. It is further submitted that the river system, including Kali Nadi, is impacted by a multiplicity of pollution sources, including untreated domestic sewage, agricultural runoff, and discharges from various uncontrolled commercial activities in the region. In the absence of any scientific evidence, the Applicant's attempt to attribute the entire pollution load to the answering Respondent is wholly baseless, arbitrary, and *mala fide*.
18. Without prejudice to the above, it is submitted that the answering Respondent remains committed to achieving higher standards of environmental performance and is continuously upgrading its systems and processes in line with evolving regulatory requirements and best industry practices.

19. In view of the above preliminary objections and submissions, the affidavit under reply should be dismissed at the threshold.

PARAGRAPH-WISE REPLY

1. The contents of paragraph no. 1 are denied as the Applicant, admittedly a resident of Meerut, has no conceivable basis to depose on matters allegedly occurring in Khatauli, situated approximately 30 kilometres away. The Applicant has failed to demonstrate any direct, personal knowledge of the purported pollution. The statements made in the Additional Affidavit are therefore nothing more than bald assertions rooted in conjecture, hearsay, and unfounded assumptions and deserve no evidentiary weight. Notably, not a single resident from the vicinity of the answering Respondent's unit has come forward with any complaint or allegation of pollution or harm. The absence of local grievance further exposes the hollowness of the Applicant's claims and undermines its credibility. The contents of the preliminary submissions as well as the contents of the response by the answering Respondent to the OA are reiterated without repetition for the sake of brevity, and anything contrary to it and/or inconsistent with it is denied.
2. The contents of paragraph no. 2 are denied as vague, unsubstantiated, and unsupported by any scientific, medical, or expert material. The allegation that the severity of pollution is greater than what has been assessed by the Uttar Pradesh Pollution Control Board is specifically denied as wholly unsubstantiated and

untenable. The allegation regarding “life-threatening diseases” is further denied as reckless, irresponsible, and lacking even a shred of medical or scientific evidence. No epidemiological study, medical record, or expert opinion have been placed on record to demonstrate either the existence of such pollution or the same being attributable to the answering Respondent or any causal link with the alleged diseases/ any other alleged consequences. Such statements thus deserve outright rejection. The contents of the preliminary submissions as well as the contents of the response by the answering Respondent to the OA are reiterated without repetition for the sake of brevity, and anything contrary to it and/or inconsistent with it is denied.

3. The contents of paragraph no. 3 are vehemently denied as wrong and misconceived. The allegation that the compensation imposed by the UPPCB is insufficient and that enhanced compensation is liable to be imposed is vehemently and categorically denied. If the Applicant is genuinely aggrieved by the alleged insufficiency of compensation, he ought to avail the appropriate statutory remedies available before the National Green Tribunal under the provisions of the National Green Tribunal Act, 2010. The present Original Application is, therefore, wholly misconceived, untenable in law, and amounts to an impermissible attempt to circumvent the prescribed statutory appellate mechanism. It may be noted that compensation in the present case has not finally been imposed by UPPCB and is contingent. Further, even in passing the said order, UPPCB has not taken into consideration or adjudicated upon the reply/objections

which had been raised by the answering Respondent by way of its response dated 27.06.2025 to the UPPCB's Show Cause Notice. The answering Respondent reserves its rights to challenge the order passed by the UPPCB, if any, if passed imposing compensation upon the answering Respondent. It is the submission of the answering Respondent that no compensation *at all* is liable to be imposed since the imposition of compensation by UPPCB is on completely erroneous grounds, much less, higher compensation as alleged by the Applicant.etc

It is noteworthy that TEIL, Khatauli Sugar Unit, established in 1933 and presently operating with a crushing capacity of 16,000 TCD, provides employment to a significant number of persons and generates substantial direct and indirect livelihood opportunities in the region. The Unit, being one of the largest sugar manufacturing units in India and Asia, procures sugarcane from approximately 70,000 farmers across the districts of Meerut, Muzaffarnagar, Shamli, and Baghpat, thereby making a substantial contribution to the regional economy and improving the standard of living of the farming community. The Unit has consistently worked towards the welfare and economic development of the region. In such circumstances, any proposal to impose penalty upon such a longstanding and socially significant going concern is wholly arbitrary, unwarranted, and appears to be actuated by mala fide intent.

Further, it is also submitted that the Applicant has failed to place on record any material, scientific study, or damage assessment to justify

the enhancement of compensation. In the absence of any demonstrated technical or legal infirmity in the computation or any established violation attributable to the answering Respondent, the bald and speculative claim for imposition of higher penalty is wholly arbitrary and unsustainable in law. The contents of the preliminary submissions, as well as the contents of the response by the answering Respondent to the OA, are reiterated without repetition for the sake of brevity, and anything contrary to it and/or inconsistent with it is denied.

4. The contents of paragraph no. 4 are vehemently denied as wrong, speculative, and scandalous. It is denied that the answering Respondent has caused any water pollution allegedly extending to the river Kali Nadi or causing threat to people living in the vicinity of the river as alleged, or otherwise. It is submitted that photographs annexed are completely unreliable because they do not actually depict the River Kali Nadi; and in any case, they do not establish any discharge by the answering Respondent or any nexus between its operations and the condition of the river. The Applicant has also not produced any other material to establish such alleged nexus between the answering Respondent and any alleged pollution. The allegation that Kali Nadi resembles a “black road” is an emotive and hyperbolic statement, devoid of any scientific basis or evidentiary value. The contents of the preliminary submissions, specifically under section ii.a., as well as the contents of the response by the answering Respondent to the OA, are reiterated without repetition for the sake

of brevity, and anything contrary to it and/or inconsistent with it is denied.


5. The contents of paragraph no. 5 are denied as unsubstantiated, misleading and misconceived. The Applicant has selectively and erroneously relied upon judicial observations without appreciating the factual matrix and the compliance status of the answering Respondent. Such allegations are completely misplaced in the absence of any material demonstrating non-compliance by the answering Respondent. It is reiterated that the answering Respondent is operating its Effluent Treatment Plant in compliance with applicable norms, and no instance of untreated discharge has been established. As far as Sugar Industry is concerned, there is no mandate for establishing a Zero Liquid Discharge plant. Rather, norms including the consent under the Water Act permit the unit to supply treated discharge for watering and irrigation purposes . The contents of the preliminary submissions, specifically under section iii, as well as the contents of the response by the answering Respondent to the OA, are reiterated without repetition for the sake of brevity, and anything contrary to it and/or inconsistent with it is denied.
6. The contents of the verification clause of the affidavit are denied for want of knowledge. It is specifically denied as false that the contents of the affidavit are based on the Applicant's personal knowledge and that no material facts have been suppressed.

PRAYER

In view of facts and circumstances, it is prayed that this Hon'ble Court may be pleased to:

1. Reject and dismiss the Additional Affidavit dated 25.02.2026 filed by the Applicant;
2. Dismiss the Original Application filed by the Applicant with exemplary costs;
3. Pass any other order/direction as this Hon'ble Court may deem fit.


**RESPONDENT NO. 4
THROUGH**


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NEW DELHI
9899834055 || anunaya.mehta@gmail.com**

NEW DELHI
DATED: 08.05.2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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OA No. 350 of 2025

IN THE MATTER OF:

DR. SANDEEP PAHAL

.....APPLICANT

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENTS

AFFIDAVIT

I, Dr. Ashok Kumar, S/o Shri Rajendra Kumar, aged about 60 years, working as Vice President (Sugar), M/s Triveni Engineering and Industries Limited Khatauli, Muzaffarnagar, Uttar Pradesh do hereby solemnly affirm and state on oath as under:

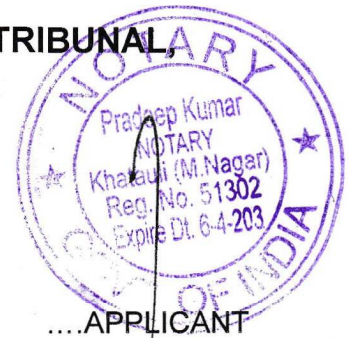
1. That I am the authorized representative of Respondent no. 4 in the above-mentioned Original Application and am well conversant with the facts and circumstances of the case and as such I am competent to swear this affidavit.
2. That I state that I have read and understood the content of the accompanying reply. The same has been drafted by counsel under my instructions. I state that the contents thereof are true and correct to my knowledge. Nothing material has been concealed therefrom.

L
DEPONENT

VERIFICATION

Verified at Khatauli on this the 08th day of May 2026 that contents of this affidavit are true and correct to the best of my knowledge and nothing is false and nothing material has been concealed therefrom.

L
DEPONENT



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उद्धरण खतौनी

उद्धरण क्रमांक : 111301202604209

ग्राम क्रमांक : 111301 ग्राम का नाम (परगना) : शोखपुरा(खतौली) तहसील : खतौली जनपद : मुजफ्फर नगर फसली वर्ष : 1425-1430 (01 जुलाई, 2017 से 30 जून, 2023) भाग : 1 (1)खाता संख्या : 00138

श्रेणी : 6-1 / अकृषिक भूमि - जलमग्न भूमि ।

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(17) भूमि के सम्बन्ध में विचाराधीन राजस्व वाद/वादों की कम्प्यूटरीकृत संख्या :

(18) बंधक/बंधक-मुक्त होने की स्थिति

(18.1) बंधक होने की स्थिति (संस्था अथवा बैंक का नाम/कोड/बंधक का दिनांक/धनराशि/आवेदन संख्या/खातेदार(पिता-पति-संरक्षक)) :

(18.2) बंधक-मुक्त होने की स्थिति (संस्था अथवा बैंक का नाम/कोड/बंधक-मुक्त का दिनांक/धनराशि/आवेदन संख्या/खातेदार(पिता-पति-संरक्षक)) :


(19) अभ्युक्ति :

1) 04II/12 दि० 31-01-13 के अनुपाल में ख०सं०21म/0.150, 155म/1.500 है० वेटलैण्ड अंकित (डिजिटल हस्ताक्षर: ADESH KUMAR / 24-03-2018)

2) की जाती है। 128/27 ह०र० का० 21.5.15 (डिजिटल हस्ताक्षर: ADESH KUMAR / 24-03-2018)

3) शासन के पत्र सं०1126(1)/ 1-9-12 रा-9 दि०7-12-12 एवं मा०रा०परि० पत्र सं०RG262/जी- (डिजिटल हस्ताक्षर: ADESH KUMAR / 24-03-2018)

पूर्व आदेशों का विवरण

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Anandita Tayal <anandita.tayal@gmail.com>

Service of reply to additional affidavit in Sandeep Pahal v. State of U.P & Ors. OA No. 350 OF 2025

1 message

Anandita Tayal <anandita.tayal@gmail.com>

Mon, May 11, 2026 at 2:09 PM

To: "Dr. Sandeep Pahal" <sandeepahal13@gmail.com>, pccf-up@nic.in, info@uppcb.in, romuzaffarnagar@uppcb.in, pradeepmisra@yahoo.com

Respected Sir/Ma'am

PFA, Reply to Additional Affidavit dated 25.02.2026 filed by the Applicant, being filed on behalf of Respondent No. 4, M/s Triveni Engineering & Industries Limited in Original Application in OA No. 350 of 2025 titled as Sandeep Pahal v. State of U.P & Ors., pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

The service of the attached reply through this email shall be deemed to be completed.

Regards
Adv. Anandita Tayal
O/o Adv. Anunaya Mehta
Counsel for Respondent No. 4

**Service of Reply to additional affidavit Sandeep Pahal on behalf of Triveni Engineering 07.05.2026.pdf**
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