

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 458 OF 2025**

IN THE MATTER OF:

BALRAJ

....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS

....RESPONDENTS

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FILED BY:

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Dated: 19.02.2026

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**REPLY ON BEHALF OF RESPONDENT NO. 6/ASIAN TECH
MECH COMPANY TO THE RESPONSE DATED 04.01.2026,
FILED ON BEHALF OF RESPONDENT NO. 3**

MOST RESPECTFULLY SHOWETH:

1. That the present Reply to the Response dated 04.01.2026, filed on behalf of Respondent No. 3, is being filed on behalf of Respondent No. 6/Asian Tech Mech Company, through its Sole Proprietor Mr. Mohd. Gulvez, who is the duly authorized signatory of Respondent No. 6 and is competent to swear the Affidavit on its behalf.
2. That the present Original Application arises from a letter petition received by this Hon'ble Tribunal, alleging certain polluting activities being undertaken by some factories which recycle old batteries, including the unit of the Answering Respondent. During the hearing of the letter petition on 14.10.2025, this Hon'ble Tribunal noted that the letter petition alleges that the concerned factories are emitting toxic gases and discharging poisonous liquid

(waste), leading to serious diseases being caused to the villagers in the nearby areas. Taking note of the same, this Hon'ble Tribunal, vide its order dated 14.10.2025, sought a response from the arrayed respondents, including the Answering Respondent, and constituted a Joint Committee, comprising of representatives of the Central Pollution Control Board [CPCB], the Uttar Pradesh Pollution Control Board [UPPCB] and the District Magistrate, Muzaffarnagar, directing them to undertake visits to the site, look into the grievances raised in the letter petition, verify the factual position and submit a report to this Hon'ble Tribunal. The said report, in the form of a response filed on behalf of Respondent No. 3/UPPCB, came to be filed on 04.01.2026.

3. That in compliance of order dated 14.10.2025 passed by this Hon'ble Tribunal, the Joint Committee, comprising of Sub-Divisional Magistrate, Muzaffarnagar, Scientist-E, CPCB, Project Office, Agra and Regional Officer, UPPCB, Muzaffarnagar, undertook site visits of the concerned industries, including the unit of the Answering Respondent, on 12.12.2025.
4. That a perusal of the Inspection Report of the Joint Committee, which has been annexed along with the response filed by the UPPCB and has been downloaded by the Answering Respondent from the official website of this Hon'ble Tribunal, clearly reveals that at the time of

inspection, the unit of the Answering Respondent was found operational with all statutory permissions and regulatory licences and was found to be fully complying with the environmental norms. It was specifically observed by the Joint Committee that pollution controlling devices, like cyclone dust collector, bag filter and combined wet scrubber are installed at the unit of the Answering Respondent and all parameters in the stack monitoring and analysis report were also found to be within the prescribed limits [Annexure R-3/6]. It was also observed that no industrial effluent is being discharged from the unit of the Answering Respondent.

5. That by way of the present Reply, the Answering Respondent seeks to endeavour to demonstrate to this Hon'ble Tribunal as to how the Answering Respondent is operating fully in compliance of all the environmental norms, after having obtained all the requisite permissions, consents and clearances from the concerned regulatory agencies.
6. That it is submitted that the Answering Respondent prides itself on practicing the highest standards of professional and business ethics in pursuing its commercial interests. It is earnestly submitted that the Answering Respondent is not indulging in any pollution of any kind and has always offered full co-operation to the statutory authorities. The

company has got all the statutory clearances from the regulatory authorities and considers compliance of the same as part of responsibly conducting its mercantile interests with the highest standards of probity and ethics. The industrial unit of the Answering Respondent has employed all the necessary safeguards in the form of installing modern machinery and adopting environment friendly means to ensure that no pollution of any kind is caused by the industry.

7. That the unit of the Answering Respondent is situated over a very small area and falls under the category of a MSME unit. The Answering Respondent believes in pursuing its commercial interests in a responsible manner and is willing to participate in any process that is undertaken for the safeguarding, protection, preservation and improvement of the surrounding environment in the industrial area, where the unit of the Answering Respondent is situated.
8. That the Answering Respondent has been operating at all times with a valid consent and authorization from the UPPCB under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Hazardous Waste Rules. The current consolidated consent and authorization, granted by the UPPCB to the Answering Respondent under the above named statutes, is valid till 31.12.2028 and has

been annexed along with the Response filed by Respondent No. 3 as Annexure R-3/5.

9. That the hazardous waste produced at the unit of the Answering Respondent is disposed of through the Treatment, Storage and Disposal Facility of M/s U.P. Waste Management Project, with the said fact having been duly noted in the Response dated 04.01.2026 filed by UPPCB. An agreement for the said purpose has been entered into between the Answering Respondent and M/s U.P. Waste Management Project, a copy of which has been provided to the UPPCB.
10. That the fly ash, produced at the industrial unit of the Answering Respondent as a result of the manufacturing process, is collected through the cyclone and bag filter and then converted into lead ingots through the furnace, whereafter the leftover is disposed along with the hazardous waste.
11. That the UPPCB, on 09.12.2025, has directed the unit of the Answering Respondent to install the Online Continuous Emission Monitoring System [OCEMS] on the stack. In compliance of the said direction, the Answering Respondent has already placed the order for the associated equipment and the OCEMS is likely to be installed at the unit of the Answering Respondent within a period of 10 days.

12. That during the inspection of the Joint Committee, it was observed, with the said fact also indicated in the Response filed by Respondent No. 3, that one temple furnace has been installed at the unit of the Answering Respondent without taking the consent to establish from UPPCB, with the said action on the part of the Answering Respondent constituting a violation of the norms.
13. That it is respectfully submitted that the temple furnace at the unit of the Answering Respondent has not even been fully installed and is not operational, as stated in the inspection report of the Joint Committee as well. The Answering Respondent acknowledges that an oversight on its part has occurred in not applying for the Consent to Establish before the UPPCB even before commencing the installation of the Temple Furnace at its unit as the Answering Respondent was under the mistaken belief that the permission was required from UPPCB before operationalising the temple furnace and not before installing it. The Answering Respondent has already given its explanation to UPPCB in this regard on 09.01.2026, in response to the Show Cause Notice dated 31.12.2025, issued to it by UPPCB, and has requested the UPPCB to permit it to finish the installation of the temple furnace and operationalise it, subject to whatever action the UPPCB deems fit to take against the Answering Respondent for the oversight on its part.

True copy of response dated 09.01.2026, submitted by the Answering Respondent to UPPCB, is annexed and marked as **Annexure R-6/1.**

14. That it is respectfully submitted that compliance of all conditions, related to the various consents and permissions granted to the unit of the Answering Respondent, is ensured by the Answering Respondent with great diligence and all documentation related to the same are submitted with the UPPCB.
15. That it is manifestly clear from the above submissions that the industrial unit of the Answering Respondent is fully compliant and has all the requisite permissions and clearances, which are required for its operations. An oversight on the part of the Answering Respondent, as explained in the earlier paragraphs, has admittedly occurred on the part of the Answering Respondent, in relation to which the Answering Respondent has already provided an explanation to the UPPCB and is now awaiting the guidance of the Board. However, it is apposite to mention that the temple furnace at the unit of the Answering Respondent, the installation of which commenced without a Consent to Establish from UPPCB, has not been made operational and hence there is no question of any pollution having been caused by it.

16. That in such circumstances, it is respectfully prayed that the present Original Application may kindly be disposed of, qua the Answering Respondent.

FILED BY:

Utkarsh Sharma

[UTKARSH SHARMA]

Counsel for Respondent No. 6/Asian Tech Mech Company
139, Setalvad Block,
Supreme Court, New Delhi-110001
Mob:+91-9312061203

Dated: 19.02.2026

E-mail: utkarsh.sharma7@gmail.com



INDIA NON JUDICIAL
Government of Uttar Pradesh

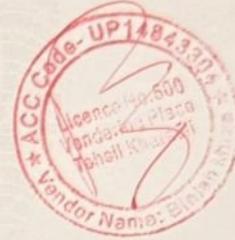


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e-Stamp

Certificate No.	: IN-UP13421246472758Y
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Purchased by	: MOHD GULVEZ SO MOHD PARVEZ
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	:
First Party	: MOHD GULVEZ SO MOHD PARVEZ
Second Party	: Not Applicable
Stamp Duty Paid By	: MOHD GULVEZ SO MOHD PARVEZ
Stamp Duty Amount(Rs.)	: 10 (Ten only)



Please write or type below this line

Deponent



Sworn before me dt. 17/04/26
 the deponent Mohd Gulvez So
 ls/are identified by Shri Mohd Parvez
 I have satisfied myself by examining the
 deponent who has made the contents of
 the affidavit which has been read out and
 explained to me to the deponent for
 signed Rs. 10
 NOTARY, KHATAULI DIST. 17/04/26

Identified By

Statutory Aler

1. The authenticity of the stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding.
2. Any discrepancy in the details on this Certificate can be available on the website / Mobile App renders it invalid.
3. The failure of producing the legitimacy of the users of this certificate
4. In case of any discrepancy, please info in the Complaint authority.

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AFFIDAVIT

I, Mohd. Gulvez, S/o Mohd. Parvez, aged 24 years, R/o Mehalki, Jansath Muzaffarnagar, Uttar Pradesh-251314, do hereby solemnly affirm and declare as under:-

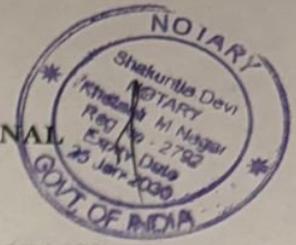
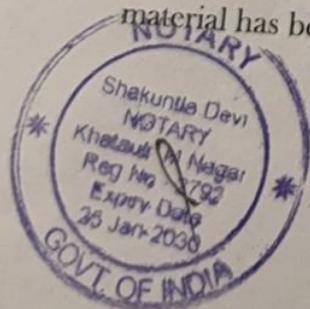
1. That I am the Sole Proprietor at Asian Tech Mac Company and am fully conversant with the facts of the present case. I am fully competent to affirm this Affidavit.
2. That the contents of the accompanying Reply have been read over and explained to me in vernacular and I have understood the contents of the same. The Reply has been drafted under my instructions and I state that the contents of the same are true and correct to the best of my knowledge derived from the records maintained during the course of usual business by Asian Tech Mac Company.
3. That the Annexures annexed to the present Reply are true and correct copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Muzaffarnagar on this day of February, 2026 that the contents of the above affidavit are true to my knowledge, no part of it is false, and nothing material has been concealed therefrom.

DEPONENT



ASIAN TECH MECH COMPANY

Village Husainpur Bopara, Industrial Area, Begraipur, U.P. – 251203

ANNEXURE R-6/1

सेवा में,
माननीय क्षेत्रीय अधिकारी,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
मुज़फ्फरनगर

दिनांक-09/01/2026

विषय: कारण बताओ नोटिस के संबंध में स्पष्टीकरण एवं निवेदन

संदर्भ: आपके कार्यालय का नोटिस क्रमांक H36295/सी -3/वायु /626/सहा 0 /2025 दिनांक -31/12/2025

महोदय,

सविनय निवेदन है कि उपरोक्त संदर्भित नोटिस के संबंध में हम यह स्पष्ट करना चाहते हैं कि हमारी इकाई में एक नई फर्नेस स्थापित की गई है, किन्तु वर्तमान में वह संचालन में नहीं है।

महोदय,

वर्तमान में हमारी इकाई द्वारा CTO (Consent to Operate) में विस्तार (Expansion) हेतु ऑनलाइन आवेदन प्रक्रिया प्रचलित है। जब तक उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड से CTO में विस्तार की स्वीकृति प्राप्त नहीं हो जाती, तब तक उक्त नई फर्नेस का किसी भी प्रकार से संचालन नहीं किया जाएगा।

अतः यह निवेदन है कि चूंकि फर्नेस का अभी तक उपयोग प्रारंभ नहीं किया गया है और हम नियमानुसार अनुमति प्राप्त करने की प्रक्रिया में हैं, इसलिए कृपया उपरोक्त नोटिस को निरस्त करने की कृपा करें तथा हमारी इकाई के विरुद्ध किसी भी प्रकार की दंडात्मक/कानूनी कार्यवाही न की जाए।

हम सदैव बोर्ड के नियमों एवं पर्यावरणीय मानकों का पूर्णतः पालन करते आए हैं और भविष्य में भी करते रहेंगे।

उपरोक्त तथ्यों को ध्यान में रखते हुए नोटिस निरस्त करने की कृपा करे

धन्यवाद।

भवदीय,

For ASIAN TECH MECH COMPANY
Arulves
PROPRIETOR

TRUE COPY