

**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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1.	Reply on behalf of Respondent No. 7/Prince Metal & Alloys to the Response dated 04.01.2026 filed on behalf of Respondent No. 3/UPPCB, with Affidavit	
2.	<b><u>Annexure R-7/1</u></b> True copy of the stack monitoring report dated 01.09.2025	

FILED BY:

*Utkarsh Sharma*

[UTKARSH SHARMA]

Counsel for Respondent No. 7/Prince Metal & Alloys

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Dated: 19.02.2026

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**REPLY ON BEHALF OF RESPONDENT NO. 7/PRINCE  
METAL & ALLOYS 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. 7/Prince Metal & Alloys, through its Sole Proprietor Mohd. Sartaj, who is the duly authorized signatory of Respondent No. 9 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, reveals that at the time of inspection, the

furnaces at the unit of the Answering Respondent were found to be not operational. The committee observed that no stack was installed in the unit and also noted that the unit had a valid consent and authorization under the Air/Water Act [Annexure R-3/8] and a Hazardous & Other Waste Authorization from UPPCB, which is valid till 14.07.2027 [Annexure R-3/9].

5. That it is respectfully submitted that the full details regarding the recent operations at the unit of the Answering Respondent have not been fully set out in the report of the Joint Committee and the Response filed by UPPCB. The said facts are being stated in detail in the present Reply, which will make it evident that there is no environmental pollution being caused by the unit of the Answering Respondent.
6. That till recently, the unit of the Answering Respondent was manufacturing lead ingots, for which purpose a smelting furnace and a rotary furnace were installed at the unit of the Answering Respondent. In the last couple of years, the said activity was resulting in losses, because of which the Answering Respondent, in the recent months, decided to stop the manufacture of lead ingots and focus on the manufacture of grey oxide, which is produced through a different process, which causes lesser pollution than the one involving production of lead ingots.

7. That in furtherance of the said intention, the Answering Respondent dismantled the stack chimney installed at its unit on 25.10.2025 and sent it for repairs. It is for this reason that the joint committee didn't find a stack installed during the inspection on 12.12.2025. It is apposite to mention that no industrial activity has been undertaken at the unit of the Answering Respondent since 25.10.2025 and even during the inspection on 12.12.2025, the premises of the unit of the Answering Respondent was open only for repairs and maintenance and the furnaces were not operational, as is also indicated in the report of the joint committee. The manufacture of grey oxide doesn't require a smelting furnace and a rotary furnace and the said furnaces were also dismantled from the unit of the Answering Respondent in December, 2025, with the said information also being intimated to the UPPCB through email on 06.01.2026. It is pertinent to highlight that before being sent for repairs, the stack at the unit of the Answering Respondent was duly working and all the parameters of the stack monitoring reports, in relation to the tests conducted periodically, were within the prescribed norms.

True copy of the stack monitoring report dated 01.09.2025 is annexed and marked as **Annexure R-7/1**.

8. That the stack chimney has now been installed at the unit of the Answering Respondent a few days back, after coming

back from repairs. It is also pertinent to mention that the manufacture of grey oxide requires pit furnaces and for the said purpose, the work of installation of two pit furnaces was commenced at the unit of the Answering Respondent. 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 pit furnaces at its unit as the Answering Respondent was under the mistaken belief that the permission was required from UPPCB before operationalising the pit furnaces and not before installing them. The Answering Respondent has already given its explanation to UPPCB in this regard and has requested the UPPCB to permit it to operationalise the pit furnaces, subject to whatever action the UPPCB deems fit to take against the Answering Respondent for the oversight on its part. It is apposite to mention that the pit furnaces at the unit of the Answering Respondent, the installation of which commenced without a Consent to Establish from UPPCB, have not been made operational and hence there is no question of any pollution having been caused by them. The Answering Respondent undertakes that it shall commence the operation of the pit furnaces only once the permission to do so is granted to it by the UPPCB.

9. 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.

10. 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.
11. 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. 7/Prince Metal & Alloys

139, Setalvad Block,

Supreme Court, New Delhi-110001

Mob:+91-9312061203

Dated: 19.02.2026

E-mail: utkarsh.sharma7@gmail.com



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Government of Uttar Pradesh



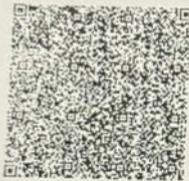
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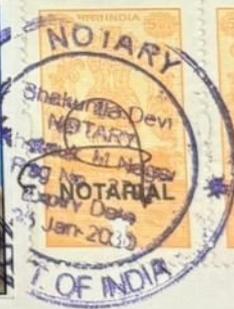
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Purchased by	: MOHD SARTAJ SO MOHD SARFARAZ
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	:
First Party	: MOHD SARTAJ SO MOHD SARFARAZ
Second Party	: Not Applicable
Stamp Duty Paid By	: MOHD SARTAJ SO MOHD SARFARAZ
Stamp Duty Amount(Rs.)	: 10 (Ten only)



Please write or type below this line

Deponent

श्री 212116



Identified By

Sworn before me that the deponent is/are identified by Shri Mohd Sartaj So Mohd Sarfaraz who is/are the deponent who undertakes the affidavit which has been read out and explained by me to the deponent fee charged Rs. 10/-

Mohd Sartaj So  
Mohd Sarfaraz  
Muzaffar Khan  
RABU A

17/02/26

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AFFIDAVIT

I, Mohd. Sartaj, S/o Mr. Mohd. Sarfaraz, aged 44 years, R/o Dayal Puram, Khatauli, Muzaffarnagar, Uttar Pradesh-251201, do hereby solemnly affirm and declare as under:-

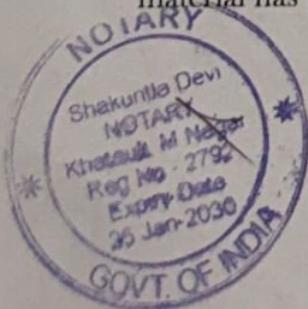
1. That I am the Sole Proprietor at Prince Metal & Alloys and am fully conversant with the facts of the present case. I am fully competent to affirm this Affidavit.
2. That the contents of the accompanying Reply have been read over and explained to me in vernacular and I have understood the contents 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 Prince Metal & Alloys.
3. That the Annexures annexed to the present Reply are true and correct copies of their respective originals.

DEPONENT

मौ सरताज

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

मौ सरताज



## ANNEXURE R-7/1

### TEST REPORT

Page No.: 1 of 1

TEST REPORT No. NCL/EW-004/27/08/25		DATE OF REPORT : 01/09/2025
Name and Address of Customer	M/S PRINCE METAL AND ALLOYS Village-Khasra No-360 and 362/3, Hussainpur Bopada Near Begrajpur, Muzaffarnagar. U.P	

#### SAMPLING DETAIL

Sample Name	: STACK EMISSION	Analysis End Date	: 01/09/2025
Analysis Start Date	: 27/08/2025	Sampling Done By	: NCL
Date of Sampling	: 26/08/2025	Duration of Sampling	: 30 Minutes
Sampling Protocol	: IS: 11255	Sample ID No.	: NCL/EW-004/27/08/25
Sampling Location	: --	Area Category	: --
Equipments Used	: Vayubodhan Stack Sampler No-1 VSS-1 (S.No-321 DTC 07)		

#### DETAILS OF STACK

Stack Attached to	: Lead Melting Furnace, Rotary Furnace	Capacity	: --
Type of fuel used	: *See Note Below	Quantity of fuel used	: --
Stack height above the ground level	: 30.0 Mtr	Stack height above the roof top	: --
Stack dia at the top	: 300 mm	Material of Construction	: MS
Attached APCS	: Two Bag Filter & Cyclone, Wet Scrubber	Normal Operating Schedule	: AS PER REQUIREMENT
Commissioning date	: --		

#### PHYSICAL OBSERVATIONS

Ambient Temperature	: 32°C	Flue gas temperature	: 78°C
Velocity of the flue gases	: 7.20 mtr/sec	Sampling Flow Rate of SPM	: 26.0 LPM
Sampling Flow Rate for Gases	: 1.8 LPM	Quantity of Emission discharged	: 1513.82 Nm <sup>3</sup> /hr

#### TEST RESULT

S.No.	Test Parameters	Units	Test Method	Results	Specification As Per CPCB
1	Particulate Matters (PM)	mg/Nm <sup>3</sup>	IS:11255 (Part-1)	45	80
2	Sulphur Dioxide (SO <sub>2</sub> )	mg/Nm <sup>3</sup>	IS:11255 (Part-2)	73	Not Specified
3	Carbon Monoxide (CO)	%	IS:13270	BDL(DL-0.2)	Not Specified
4	Oxide of Nitrogen (NO <sub>x</sub> )	mg/Nm <sup>3</sup>	IS:11255 (Part-7)	61	Not Specified
5	Lead (Pb)	mg/Nm <sup>3</sup>	NCL/STP/AAS/01	4.82	10

\*\*\*End of Report\*\*\*

Remarks : As Per CAQM Specification/Guidelines

\*Charcoal, (Lead Melting Furnace) L.S.H.S (Rotary Furnace).

EW-004/27/08/25-1



**JITENDER**  
Section Incharge  
Checked by

**SAKSHI JASWAL**  
Sr. Analyst

FOR NEWCON CONSULTANTS & LABORATORIES  
Authorized Signatory

1. The test report refers only to the particular sample/s submitted for testing and listed parameters.
2. Endorsement of the same is neither inferred nor implied.
3. Laboratory shall maintain the confidentiality of all information related to the samples & test reports.
4. Complaints about this report should be communicated within 10 days of the issue date of this report.
5. The report is not to be produced wholly or in part without prior permission of the Managing Partner. All disputes subject to Ghaziabad Jurisdiction.

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Laboratory : A-1/156, Sector-17, (Swadeshi Compound) Kavi Nagar Industrial Area, GHAZIABAD - 201 002 (U.P.)

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