

**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. 8/Firoz Metal Works to the Response dated 04.01.2026 filed on behalf of Respondent No. 3/UPPCB, with Affidavit	

FILED BY:

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Dated: 19.02.2026

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**REPLY ON BEHALF OF RESPONDENT NO. 8/FIROZ
METAL WORKS 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. 8/Firoz Metal Works, through its Sole Proprietor Mr. Firoz, who is the duly authorized signatory of Respondent No. 8 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 not operational. It is respectfully submitted that the unit of the Answering Respondent, which is situated over a very small area and falls under the category of MSME unit, has been lying closed since a very long time due to personal difficulties having been faced by the Sole Proprietor of the Answering Respondent.

5. That the unit of the Answering Respondent operated with all statutory permissions and regulatory licences and was fully complying with the environmental norms till the year 2017. However, towards the end of the year 2017, a false FIR, the same being FIR No. 1460/2017, came to be lodged against the Sole Proprietor of the Answering Respondent under Section 302 read with Section 34 of IPC and Sections 3(2) and 5 of the SC/ST Act at Police Station Khatauli, District Muzaffarnagar. The Sole Proprietor of the Answering Respondent came to be taken in custody after the lodging of the FIR and was released only after he was acquitted in the year 2019 by way of a judgment passed by the Additional Sessions Judge-II, Muzaffarnagar. In the meantime, the validity of the consent to operate, taken from the UPPCB in relation to the unit of the Answering Respondent, had long expired and all business links and associations of the Sole Proprietor of the Answering Respondent had been cut.

6. That soon thereafter, the outbreak of Covid-19 happened and during this time, the Sole Proprietor of the Answering Respondent faced tremendous financial difficulty and was driven on the verge of penury, with no means of restarting the operations of the unit of the Answering Respondent. During this time, on 25.10.2020, another FIR, the same being FIR No. 464/2020, came to be lodged against the Sole Proprietor under Section 398 of IPC, in connection with which the Sole Proprietor of the Answering Respondent was again arrested by the police and was thereafter released on bail after sometime.
7. That the premises of the unit of the Answering Respondent were sometimes used by other manufacturers for storing their manufactured items, for which some rent was paid to the Answering Respondent and he was able to survive. During an inspection on 05.03.2022, some material was found lying in the premises of the unit of the Answering Respondent by the officials of UPPCB but no industrial operations were found to be undertaken. It was explained to the officials that the industrial operations have not been undertaken since the end of 2017 and the same had been intimated to the officials during the past inspections as well and that the material lying inside the premises belonged to other manufacturers, whose details were also given to the officials during the inspection at the time.

8. That again during a site inspection on 18.06.2024, the premises of the Answering Respondent were found open without any industrial activity going on and no material lying inside the premises. The position regarding the operational status of the unit was duly informed to the officials, who assured the Sole Proprietor of the Answering Respondent that they are already aware of the same and that it was only a routine visit during patrolling of the area.
9. That thus, it is respectfully submitted that the industrial operations at the unit of the Answering Respondent have not been undertaken since the end of year 2017 itself, with the reasons for the same having been highlighted above. The Sole Proprietor of the Answering Respondent has been through a lot of personal and financial difficulties and was in no position to operate the unit for a very long time. It is after a lot of struggle that the Sole Proprietor of the Answering Respondent, with the help of his family and friends, has managed to recently stabilize his life, after surviving on odd jobs since the last several years.
10. That it is respectfully submitted that currently the Answering Respondent has no means of resuming the operations at its unit. However, some investors have shown interest in collaborating with the Answering Respondent and entering into a partnership with him to restart the unit. If things materialise in the future and it becomes feasible to

restart operations at the unit of the Answering Respondent, then the Answering Respondent undertakes that as and when the same happens, it will do so only after obtaining/renewing the requisite statutory permissions/licences and installing/replacing all necessary pollution controlling equipment at the unit, including the OCEMS, which has now been directed to be installed by the UPPCB.

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:

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Dated: 19.02.2026

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Government of Uttar Pradesh



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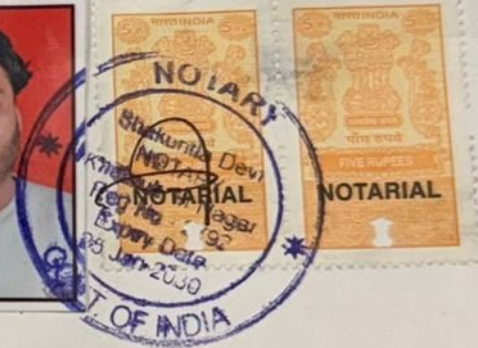
Certificate No.	: IN-UP13432912148041Y
Certificate Issued Date	: 17-Feb-2026 01:56 PM
Account Reference	: NEWIMPACC (SV)/ up14843304/ KHATAULI/ UP-MJF
Unique Doc. Reference	: SUBIN-UPUP1484330422634712964313Y
Purchased by	: FIROZ SO HASIM
Description of Document	: Article 4 Affidavit
Property Description	: Not Applicable
Consideration Price (Rs.)	:
First Party	: FIROZ SO HASIM
Second Party	: Not Applicable
Stamp Duty Paid By	: FIROZ SO HASIM
Stamp Duty Amount(Rs.)	: 10 (Ten only)

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Deponent



Identified By

Sworn before me dt. 17/02/26 at 10 Heym
 the deponent Firoz So Hasim
 is/are identified by Shri Mor Asghar Babu Ad
 I have satisfied myself by examining the
 deponent who understood the contents of
 the affidavit which has been read out and
 explained by me to the deponent and
 charged Rs. 10
 NOTARY, KHATAULI DIST. Muzaffarnagar
17/02/26

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AFFIDAVIT

I, Firoz, S/o Mr. Hasim, aged 28 years, R/o Islamabad Bhood, Muzaffarnagar, Uttar Pradesh-251201, do hereby solemnly affirm and declare as under:-

1. That I am the Sole Proprietor at Firoz Metal Works and am fully conversant with the facts of the present case. I am fully competent to affirm this Affidavit. NOTARY
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 Firoz Metal Works. NOTARY
3. That the Annexures annexed to the present Reply are true and correct copies of their respective originals. NOTARY

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. NOTARY

DEPONENT

