

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46/2025**

IN THE MATTER OF:

Sanjaya Kumar Mishra

...Appellant

Vs.

Ministry of Forest, Environment and Climate Change & Ors.

...Respondents

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Through





Adarsh Tripathi and Ajitesh Garg
Advocates for the Respondent No. 3
G-34, Basement, Lajpat Nagar-III, New Delhi
M: 9090416535/9425308454
E: adarsht912003@gmail.com

Place: New Delhi

Dated: 06 102025

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**REPLY ON BEHALF OF THE RESPONDENT NO. 3 (M/S EQMS
GLOBAL PVT. LTD)**

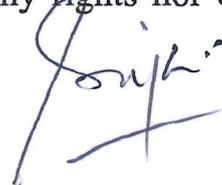
MOST RESPECTFULLY SHOWETH:

1. That the Respondent No. 3, EQMS Global Pvt. Ltd., is a professional environmental consulting organization duly accredited by NABET. The Respondent operates as an independent technical agency, providing objective and scientific assessments based on prescribed Terms of Reference and applicable standards. The Respondent, appointed herein through a transparent tendering process like many others, has no commercial or vested interest in the project itself, nor in the grant or refusal of Environmental Clearance, its role being confined to providing environmental technical assistance including preparation of the EIA report for consideration of the statutory authorities.
2. That the present Reply is being filed by the Answering Respondent No.3 through its authorised signatory Mr. Sanjay Kr. Jain, Director of the Respondent No.3 Company, who is duly empowered and competent to sign, affirm, verify and institute the present proceedings on behalf of the Appellant Company vide Board Resolution dated 19/09/25. The true copy of the Board Resolution dated 19.09.2025 is attached herewith and marked as Annexure R-1.

Sanjay Kr. Jain



3. That at the outset, the Respondent No. 3 denies each and every averment, statement, allegation and contention made against the Respondent No.3 which are inconsistent with the contents of the present Reply and save those which are specifically admitted hereinafter. Further nothing contained in the Appeal may be treated as admitted by the Answering Respondent merely for the want of specific traverse, unless specifically admitted in this reply.
4. That the present Appeal is directed against the Environmental Clearance dated 30.04.2025 issued by the Ministry of Environment, Forest and Climate Change (Respondent No.1) in favour of the Project Proponent (Respondent No. 2). There is no prayer sought against the Answering Respondent, nor does the Appeal disclose any cause of action which would justify impleadment of the Answering Respondent as a necessary party.
5. That the Answering Respondent has no role, authority, or control in the process of grant or refusal of Environmental Clearance. The statutory process of appraisal, evaluation, and final decision vests entirely with the Expert Appraisal Committee and the Ministry of Environment, Forest and Climate Change. Pertinently, the role of the Answering Respondent is only to provide technical assistance to the project proponent. The inclusion of the Answering Respondent in the array of parties is therefore wholly unnecessary.
6. That the Answering Respondent was merely engaged as an accredited consultant to carry out studies and prepare the Environmental Impact Assessment (EIA) report strictly in accordance with the Terms of Reference prescribed by the Ministry. The EIA report is a technical document submitted to the statutory authorities for their consideration. It is well settled that such a report by itself does not confer any rights nor does it bind the



statutory authorities, who are empowered to accept, reject, or seek modifications on their own independent assessment.

7. That it is pertinent to note that during the course of appraisal, the Expert Appraisal Committee had sought Additional Details (ADS), which were placed before the Committee, to which replies were submitted by the Respondent No.2. The EAC thereafter deliberated upon the same and only upon being fully satisfied, recommended the proposal for clearance. The Respondent No.1, exercising its independent statutory discretion, granted the Environmental Clearance thereafter.
8. That the Answering Respondent submits that the work undertaken by it was carried out in utmost bona fide manner, following prescribed scientific standards, guidelines, and methodologies. The preparation of the report was independent, objective, and without any bias or motive. The Respondent has no stake or interest in the project itself, nor any role in the outcome of the appraisal process, which is an exercise conducted exclusively by the statutory authorities.
9. That through there is no contention in the present Appeal that can be read against the Answering Respondent. The Appellant's grievance essentially lies with the Environmental Clearance granted by the statutory authority and hence the reliefs sought are relating to quashing of the EC granted to the project proponent, thereby requesting for directions to Respondent No.1 for re-examination the proposal. Any contention as to the sufficiency, veracity, or reliability of the data contained in the report was for the consideration of the MoEF&CC and the Expert Appraisal Committee. Both these authorities, after careful scrutiny, duly accepted the report as well as the additional data submitted and granted clearance. Hence, at any stretch of imagination that



the Answering Respondent's report alone could have determined the outcome of the clearance is entirely misconceived.

10. That the discretion as to whether the data is adequate, the methodology acceptable, or the report satisfactory rests solely with the statutory authorities empowered under law. The Answering Respondent cannot be imputed with liability for the independent decision of the MoEF&CC, which has its own mandate, expertise, and responsibility in environmental governance.
11. That the Answering Respondent reiterates that the EIA report was prepared in good faith, applying technical competence, accredited expertise, and in compliance with applicable standards which was subsequently deliberated and submitted by the Respondent No.2 to Respondent No.1. There was no motive, bias, or lack of diligence on the part of the Answering Respondent. Once submitted, the report ceased to be within the control of the Answering Respondent and became subject to the exclusive scrutiny and decision-making of the statutory bodies.
12. That in these circumstances, fastening liability on the Answering Respondent or keeping it in the array of parties in a proceeding where the prayer is directed solely against the Environmental Clearance is not warranted either in fact or in law.
13. That in view of the above submissions, it is humbly prayed that this Hon'ble Tribunal may be pleased to discharge the Answering Respondent No. 3 from the array of parties, as it is neither a proper nor a necessary party to the present proceedings.



Sujai



RESPONDENT NO. 3

Through

Adarsh

Ajitesh

Adarsh Tripathi and Ajitesh Garg
Advocates for the Respondent No. 3
G-34, Basement, Lajpat Nagar-III, New Delhi
M: 9090416535/9425308454
E: adarsht912003@gmail.com

Place: New Delhi
Dated: 06.10.2025

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AFFIDAVIT

I, Sanjay Kr. Jain, S/o Sh. Nanak Chand Jain, aged about 62 years, Director of Respondent No.3 Company, having its office at 305, 3rd Floor, Plot No. 16, Rishabh Corporate Tower, Community Centre, Karkardooma, Delhi – 110092, do hereby solemnly affirm and state as under:

1. I say that I am the authorized signatory of the Answering Respondent No. 3 Company and as such am competent to swear the present affidavit.
2. I say that I have read the contents of the above Reply and I have understood the contents of the same.
3. I say that the contents of the above Reply being filed by the Answering Respondent No. 3 are based on the information available with the Answering Respondent in the normal course of business and believed by me to be true.

Sanjay



DEPONENT

Abhishek
Identify the Executant/Deponent
Who has signed in my Presence

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at _____

on this 29 day of SEP, 2025.

CERTIFIED THAT day of September, 2025.
Shri/Smt/Km. Sanjay Age 62
S/o, W/o, D/o, Sh. Nanak Chand Jain
Identified by Abhishek
has solemnly affirmed before me at Delhi
on 29 SEP 2025 at Sl. No. 11/192
that the contents of the affidavit which have
been read & explained to me are true and
correct to his Knowledge.

29 SEP 2025

Sanjay



DEPONENT





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VAKALATNAMA

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 46/2025

IN THE MATTER OF:

Sanjaya Kumar Mishra

...Appellant

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Ministry of Forest, Environment and Climate Change & Ors.

...Respondents

Know all to whom these presents shall come that I/We M/s EQMS Global Pvt. Ltd, the above named Petitioner do hereby appoint:

1. Adarsh Tripathi, Advocate
2. Ajitesh Garg, Advocate

G-34, Basement, Lajpat Nagar-3, New Delhi-110024
9090416535/9425308454
adarsht912003@gmail.com

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby conferred on the Advocate (s) whenever he/they may think fit to do so.

And I/We hereby agree that whatever the Advocate (s) or his/ there substitute shall do in the premises shall be binding on me in all intents and purposes just as if it would have been done by me.

And I/We hereby agree not to hold the Advocate (s) or his/their substitute responsible for the said case in consequence of his absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

In witness whereof I/We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us.

Date: __.09.2025

Advocate (s)

Adarsh

Adarsh Tripathi, Adv.
MP/1256/2014

Ajitesh

Ajitesh Garg, Adv.
D/5097/2021

Sanjaya



305, 3rd Floor, Plot No. 16, Rishabh Tower,
Community Centre, Karkardooma, Delhi – 110 092
Phones: 011 – 42270087, 43062757
E-mail: eqms@eqmsglobal.com;
Url : www.eqmsglobal.com
CIN : U93030DL2018PTC333707

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF EQMS GLOBAL PRIVATE LIMITED HELD AT THE REGISTERED OFFICE OF THE COMPANY AT 305, 3RD FLOOR, PLOT NO. 16, RISHABH TOWERS, COMMUNITY CENTRE, KARKARDOOMA, DELHI – 110 092 ON 19.9.2025 AT 3:00 P.M.

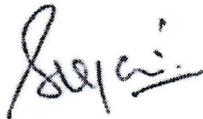
RESOLUTION

“RESOLVED THAT Mr. Sanjay Kumar Jain, Director of the Company, be and is hereby authorized to represent EQMS Global Pvt. Ltd. in all legal proceedings including cases before the Hon’ble National Green Tribunal (NGT), courts, tribunals, authorities, and other legal forums, and to sign, verify, execute, submit and file all necessary applications, petitions, affidavits, vakalatnamas, replies, undertakings, agreements, and any other related documents as may be required from time to time for and on behalf of the Company.

RESOLVED FURTHER THAT Mr. Sanjay Kumar Jain, Director, shall be entitled to appoint advocates, solicitors, counsels, or other authorized representatives and to do all such acts, deeds, and things as may be necessary, incidental, or expedient to give effect to this resolution.

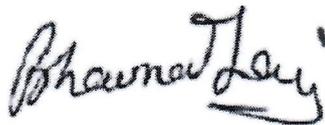
RESOLVED FURTHER THAT a copy of this resolution certified to be true by any Director of the Company be provided wherever required.”

For EQMS Global Pvt. Ltd.



Sanjay Kumar Jain
Director

For EQMS Global Pvt. Ltd.



Bhawan Jain
Director



Adarsh Tripathi <adarsh912003@gmail.com>

APPEAL NO. 46/2025 (NGT Delhi)

1 message

Adarsh Tripathi <adarsh912003@gmail.com>

Mon, Oct 6, 2025 at 6:45 PM

To: sanjaykmishra@hotmail.com

Dear Sir,

Please be in receipt of the Reply on behalf of the Respondent No. 3 (EQMS).

--

Adarsh Tripathi

Advocate on Record, Supreme Court of India

G-34, Basement, Lajpat Nagar-3, New Delhi-110024

9090416535 / 9425308454

**NGT Reply eqms final.pdf**

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