

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

O.A. NO. 582 OF 2024

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

VERSUS



THE UNION OF INDIA & ORS. ... RESPONDENTS
N.D.O.H.: 17.02.2025

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DELHI.
DATED:

Filed by:



RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.38

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

O.A. NO. _____ OF 2024

IN THE MATTER OF:

RAKESH KUMAR

... APPLICANT

VERSUS

THE UNION OF INDIA & ORS.

... RESPONDENTS

REPLY ON BEHALF OF THE RESPONDENT NO.38

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS:

1. That the present application filed by the applicant is not maintainable and liable to be dismissed against the answering respondent as the same is nothing but an abuse of the process of law and has been filed by the appellant with illegal and malafide intention with a view to extort money by illegal means from the answering respondent.
2. That the present application filed by the applicant is not maintainable and liable to be dismissed as the

same is without any merits against the answering respondent.

3. That the present application is not maintainable and liable to be dismissed as the applicant has not come before this Hon'ble Court with clean hands and have concealed the material and vital facts from this Hon'ble Court thereby attempted to misguide and mislead the Hon'ble Court. Whereas the fact remains that the answering respondent has not violated any law of the Air (Prevention and Control of Pollution Act, 1981) and Environment Protection Law.
4. That the applicant has not filed or placed on record a single document or any material evidence in support of the allegations against the answering respondent and to show that the answering respondent has committed any breach of law.

However, no relief is prayed for in the present application against the answering respondent.

5. That it is pertinent to mention here that the answering respondent is a small industry of manufacturing juice and beverage by following all rules and regulations issued by the State Pollution Control Board Haryana. The answering respondent has limited work of four months in a year during summer season and the remaining eight months the work of the answering respondent remains closed. There are about 19 employees employed with the answering respondent.
6. That in summer season juices and beverages are manufactured through green and clean energy by the respondent i.e. by using electricity, Biogas and CNG which do not cause any pollution. Therefore, the answering respondent has not violated any provisions of law or rules and regulations issued by the concerned authority as well as State

Government to control the pollution. Thus, the present application deserves to be dismissed.

7. That neither any survey nor any inspection has ever been conducted at the premises of the answering respondent by any authority regarding violation of pollution norms nor the concerned authority has ever issued any show cause notice to the answering respondent in respect of the subject matter of the present application. No samples have ever been taken by any authority including the applicant to prove that the answering respondent is causing pollution. It is pertinent to mention here that Section 26 of the Air (Prevention and Control of Pollution) Act, 1981 states regarding power to take samples of air or emission and procedure to be followed in connection therewith. As per Section 28 of the said Act, the samples are required to be sent to the State Air Laboratories for analysis or tests, but in the present case, the said process has not

been followed, therefore, the present application is liable to be dismissed.

8. The present application is based on false, frivolous and baseless facts which have no iota of truth and the same is liable to be dismissed at the threshold.
9. That the present application does not disclose as to what manner and through which equipments/fuels etc. the answering respondent is emitting pollution. Therefore, the present application is liable to be dismissed against the answering respondent.
10. That the present application filed by the applicant is not maintainable and liable to be dismissed as no cause of action has arisen in favour of the applicant and against the answering respondent.

REPLY ON MERITS:

1. That para No.1 of the application is denied for want of knowledge.

2. That para No.2 of the application needs no reply being matter of record.
3. That para No.3 of the application needs no reply being matter of record.
4. That para No.4 of the application needs no reply being matter of record.
5. That para No.5 of the application needs no reply being matter of record.
6. That para No.6 of the application needs no reply being matter of record.
7. That para No.7 of the application needs no reply being matter of record.
8. That in reply to para No.8 of the application, it is submitted that the present application is based on false, frivolous, baseless and concocted facts and the answering respondent has nothing to do with the allegations made in the present

application because the answering defendant has not done any of causing or emitting any pollution.

9. That para No.9 of the application is wrong, false and denied. It is submitted that the present application is filed by the applicant in order to harass the answering respondent in a false litigation. The answering respondent is being dragged into this false litigation without any involvement and no documentary proof to prove the indulgence of the answering respondent in the present matter is put on record.
10. That para No.10 of the application is wrong, false and denied. It is submitted that the answering respondent has limited work only for four months of summer season in a year and for rest of the period the work of the answering respondent remains closed. Therefore, the allegations made in the para under reply are false, baseless and concocted.

11. That para No.11 of the application is wrong, false and denied. As the present application is based on false, frivolous and concocted facts, therefore no orders are required to be passed against the answering respondent.

REPLY TO BRIEF FACTS:

1. That para No.1 of the application needs no reply. However, the applicant is put to strict proof thereof.
2. That para No.2 of the application needs no reply. However, the applicant is put to strict proof thereof.
3. That para No.3 of the application needs no reply. However, the applicant is put to strict proof thereof.
4. That para No.4 of the application needs no reply. Regarding the facts relating to the law laid down by the Hon'ble Apex Court are matters of record.

5. That para No.5 of the application needs no reply.
Regarding the facts relating to the orders passed by the Hon'ble Commission are matters of record.
6. That para No.6 of the application needs no reply.
Regarding the facts relating to the orders passed by the Hon'ble Commission or Tribunal are matters of record.
7. That para No.7 of the application needs no reply.
Regarding the facts relating to the orders passed by the Hon'ble Tribunal are matters of record.
8. That para No.8 of the application needs no reply.
However, the applicant is put to strict proof thereof.
9. That para No.9 of the application needs no reply.
However, the applicant is put to strict proof thereof.
10. That para No.10 of the application needs no reply.
However, the applicant is put to strict proof thereof.

11. That para No.11 of the application needs no reply.
However, the applicant is put to strict proof thereof.
12. That para No.12 of the application needs no reply.
However, the applicant is put to strict proof thereof.
13. That in reply to para No.13 of the application, it is submitted that the answering respondent is following the orders passed by the Hon'ble Courts and Tribunals in running his business.
14. That in reply to para No.14 of the application, it is submitted that the answering respondent is following the orders passed by the Hon'ble Courts and Tribunals in running his business. However, the work of the answering respondent remains closed in winter season and the answering respondent runs its business activities only for four months of summer season.

15. That para No.15 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Apex Court are matters of record.
16. That para No.16 of the application needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Apex Court are matters of record. However, it is submitted that the business of the answering respondent runs only four months of summer seasons by following all rules and regulations/guidelines issued by the concerned authorities and complying with the orders of the Hon'ble Apex Court and Tribunals.

REPLY TO GROUNDS:

- A. That this ground needs no reply. However, the application is put to strict proof thereof.
- B. That this ground relates to the concerned Authorities, therefore, needs no reply.

- C. That this ground needs no reply as the same relates to respondent No.5. However, the application is put to strict proof thereof.
- D. That this ground needs no reply as the same relates to respondent No.5. However, the application is put to strict proof thereof.
- E. That this ground needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal, the same are matters of record.
- F. That this ground needs no reply. Regarding the facts relating to the orders passed by the Hon'ble Tribunal, the same are matters of record.
- G. That in reply to this ground it is submitted that the answering respondent is following all rules and regulations issued by the Hon'ble Tribunal and the State Pollution Control Board as well as Central Pollution Control Board and other concerned

authorities, in running its business as submitted in foregoing paras of the reply. Therefore, no orders/directions are required to be passed against the answering respondent.

- H. That this ground needs no reply. However, the applicant is put to strict proof thereof.
- I. That this ground needs no reply. Regarding the facts relating to the orders/law passed and laid down by the Hon'ble Apex Court, the same are matters of record.
- J. That this ground needs no reply. Regarding the facts relating to the orders/law passed and laid down by the Hon'ble Apex Court, the same are matters of record.
- K. That this ground needs no reply. However, the applicant is put to strict proof thereof.

Para regarding jurisdiction, it is submitted that the Hon'ble Court has no jurisdiction to try, decide and entertain the present petition as business/work place of the answering respondent is located in Hissar, Haryana.

Para regarding limitation and cause of action, it is submitted that no cause of action ever arose in favour of the applicant and against the answering respondent and the present application is barred by law of limitation.

The prayer clause of the application is wrong, false and denied. It is submitted that in view of the above submissions, the applicant is not entitled to any relief as alleged in the petition against the answering respondent.

In view of the facts set out herein above, and the submissions made herein above, the applicant is not entitled to any relief as alleged against the answering respondent. It is most respectfully prayed that this Hon'ble Court be pleased to dismiss the present

application with exemplary cost against the answering respondent.

Aulam Mehta
RESPONDENT NO.38

DELHI.

DATED:

THROUGH

Randhir Soni *Surender Soni*
RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.38

VERIFICATION:

Verified at Hissar on this ____ day of January, 2025 that the contents of the reply to the application are true and correct to my knowledge and those of paras No.1 to 10 of the preliminary objections are based upon legal information received and believed to be true. Last Para is prayer to this Hon'ble Court.

Shubh Food Agro Industries

Aulam Mehta Partner
RESPONDENT NO.38

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O.A. NO. _____ OF 2024

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AFFIDAVIT

I, Ankur Mehta S/o Sh. Ashok Kumar, authorized signatory of M/s Shubh Food Agro Ind., 179A, Sector 27-28, Industrial Area, Delhi Bypass Road, Satrod Khas Hissar Haaryana do hereby solemnly affirm and declare as under:-

1. That I am the authorized signatory respondent No.38 in the above noted application and am well conversant with the facts of the case and as such competent to swear this affidavit.
2. That the accompanying reply to the application has been drafted by counsel for the respondent No.38



under its instructions and the contents thereof have been read over and explained to me in vernacular and after understanding the contents of the same, I state that the same are true and correct to my knowledge derived from the records. The contents of the accompanying reply to the application may be read as part and parcel of this affidavit and the same are not being repeated herein for the sake of brevity.

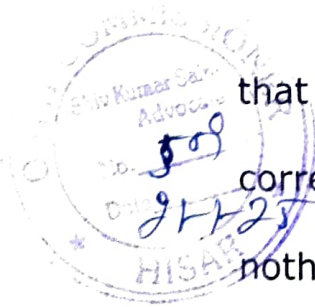
Ashu Mehta

DEPONENT

VERIFICATION:-

Verified at Hissar on this ___ day of January, 2025

that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



[Handwritten signature]

... that the above was declared on oath before me on this 21 day of 1/2025 at HSR who is ... by Sh. *Surender Singh* Certified true & that this declarant has been read & explained to ... *OK* who declared perfectly to understand the same at the time making thereof.

Ashu Mehta

DEPONENT

[Signature]
Oath Commissioner, HISSAR

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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THE UNION OF INDIA & ORS.

...RESPONDENTS

N.D.O.H.: 17.02.2025



LIST OF DOCUMENTS

1. Authorization letter made by the respondent company in favor of the respondent.
2. Copy of Aadhar Card.
3. Copy of Udyam Registration Certificate.

DELHI.

DATED:

THROUGH



RANDHIR KUMAR & SURENDER SONI
ADVOCATES
COUNSELS FOR RESPONDENT NO.38



Shubh Food Agro
Industries

Drink It To Believe It

To whom it may concern:

Today on dated: 3rd of January, 2025, at 10:30 a.m. Board of Directors meeting has been held in which Board of Directors appointed to Mr. Ankur Mehta S/o Ashok Kumar as Authorized Signatory of Shubh Food Agro Industries to file Vakalatnama, Reply, Affidavit of Evidence along with all other Legal Work in the Legal case titled as Rakesh Kumar Versus Union Of India & ors. on behalf of Company i.e. Shubh Food Agro Industries.

Partner,
Ankur Mehta,

Shubh Food Agro Industries
Ankur Mehta
Partner

🏠 Plot no. 179A, Sector 27-28, Industrial Area Hisar-125044 (Haryana)

🏠 Plot no. 192, Sector 27-28, Industrial Area Hisar-125044 (Haryana)

✉️ shubhfoodagro@gmail.com

🌐 www.sfabeverages.com 📞 8059781111, 9050612341



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भारत सरकार
Government of India

भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

Enrolment No.: 0000/00636/02287

Download Date: 15/01/2021

To
Ankur Mehta
H NO 99
SECTOR 16 17
Hisar
Hisar
Hisar Haryana - 125001
9050612341

Issue Date: 01/05/2020

Validity unknown



सूचना

- आधार पहचान का प्रमाण है, नागरिकता का नहीं।
- सुरक्षित QR कोड / ऑफलाइन XML / ऑनलाइन ऑथेंटिकेशन से पहचान प्रमाणित करें।
- यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।

INFORMATION

- **Aadhaar** is a proof of identity, not of citizenship.
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- आधार देश भर में मान्य है।
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- आधार में मोबाइल नंबर और ईमेल ID अपडेट रखें।
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भारत सरकार
Government of India



Download Date: 15/01/2021



Ankur Mehta
Date of Birth/DOB: 12/01/1990
Male/ MALE

Issue Date: 01/05/2020



भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India



Address:
H NO 99, SECTOR 16 17, Hisar, Hisar,
Haryana - 125001

मेरा आधार, मेरी पहचान

1947

help@uidai.gov.in

www.uidai.gov.in

Ankur Mehta

UDYAM REGISTRATION CERTIFICATE

UDYAM REGISTRATION NUMBER

UDYAM-HR-06-0004376

NAME OF ENTERPRISE

M/S SHUBH FOOD AGRO INDUSTRIES

TYPE OF ENTERPRISE *

SNo.	Classification Year	Enterprise Type	Classification Date
1	2024-25	Small	27/04/2024
2	2023-24	Small	09/05/2023
3	2022-23	Small	26/06/2022
4	2021-22	Small	16/05/2021

MAJOR ACTIVITY

MANUFACTURING

SOCIAL CATEGORY OF ENTREPRENEUR

GENERAL

NAME OF UNIT(S)

S.No.	Udyog Aadhaar Memorandum	Unit(s) Name
1	HR06B0003593	SHUBH FOOD AGRO INDUSTRIES
2		M/S SHUBH FOOD AGRO INDUSTRIES

OFFICAL ADDRESS OF ENTERPRISE

Flat/Door/Block No.	PLOT NO.179A	Name of Premises/Building	ANKUR MEHTA
Village/Town	HISAR	Block	HISAR
Road/Street/Lane	PLOT NO.179A SECTOR 27-28 INDU	City	HISAR
State	HARYANA	District	HISAR , Pin 125044
Mobile	8059781111	Email:	shubhfoodagro@gmail.com

DATE OF INCORPORATION / REGISTRATION OF ENTERPRISE

01/01/2019

DATE OF COMMENCEMENT OF PRODUCTION/BUSINESS

01/01/2019

NATIONAL INDUSTRY CLASSIFICATION CODE(S)

SNo.	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit	Activity
1	10 - Manufacture of food products	1030 - Processing and preserving of fruit and vegetables	10304 - Manufacture of fruit or vegetable juices and their concentrates, squashes and powder	Manufacturing
2	11 - Manufacture of beverages	1104 - Manufacture of soft drinks; production of mineral waters and other bottled waters	11043 - Manufacture of mineral water	Manufacturing
3	11 - Manufacture of beverages	1104 - Manufacture of soft drinks; production of mineral waters and other bottled waters	11045 - Manufacture of soft drinks	Manufacturing

4	11 - Manufacture of beverages	238 1104 - Manufacture of soft drinks; production of mineral waters and other bottled waters	11049 - Manufacture of other non-alcoholic beverages n.e.c.	Manufacturing
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STATE OF UDYAM REGISTRATION

28/01/2021

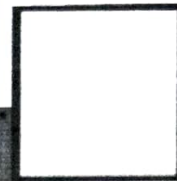
In case of graduation (upward/reverse) of status of an enterprise, the benefit of the Government Schemes will be availed as per the provisions of Notification No. S.O. 2119(E) dated 26.06.2020 issued by the M/o MSME.

Disclaimer: This is computer generated statement, no signature required. Printed from <https://udyamregistration.gov.in> & Date of printing:- 24/10/2024

For any assistance, you may contact:

1. District Industries Centre: HISAR (HARYANA)
2. MSME-DFO: KARNAL (HARYANA)

Visit : www.msme.gov.in ; www.dcmsme.gov.in ; www.cmsme.gov.in



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VAKALAT — NAMA

In The Court of Hon'ble National Green Tribunal, Principal Bench, New Delhi
Rakesh Kumar V/s Union of India & ors.

Know All to whom these present shall income that I/We Ankur Mehta Auth. Sign.
of Shubh Food Agro Ind. at 179A, Sec-28, Ind. Area, Huzar(Hry)

Do here appoint

Surender Soni & Randhir Kumar,
Advocates,

En No. D- 1809/2001, D-3227/2011

Ch. No. 276, Old Block- IInd, Delhi High Court, New-Delhi

(M.) 98184-03688, 91234-16910

Email: soni.surenderk13@gmail.com

(Here in after called the advocate) to be my/our Advocate in the noted case and authorize him:- to act appear and plead in the above noted case in this court or in any other Court or tribunal in which the same may be tried or heard and also in the appellate Courts.

To Sign, file and present pleading, replications, appeals, cross objection or petitions or executions revision restoration withdrawals compromise or other petitions replies, objections or affidavits or other documents as may be deemed necessary proper for the prosecution of the said case in all stages.

To file and take back documents.

To Withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution processing.

To appoint any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred upon the advocate whenever he may think fit do and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter as my/our own act as it is done by me/us to all intents and purpose.

And I/We the undersigned do hereby undertake that I/We or my/our duly authorized agent would appear in Court on all hearing and will inform the advocate for appearance. When the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for result of said case in consequence of his absence from the Court when the said case is called up for hearing or for any negligence of said advocate or his substitute.

And I/We undersigned do hereby agree that in the event of the whole or one part of the fees agreed by me/us to be paid to the Advocate remaining unpaid. He shall be entitled to withdraw from the prosecution of the said case until the same is paid-up. If any costs are allowed for an adjournment the Advocate would be entitled to the same.

In the witness whereof I/We do hereby set my/our hands to these presents of which have been understood by me/us this _____ of _____.

Advocate

[Handwritten signature of Surender Soni]

Shubh Food Agro Industries

[Handwritten signature of Ankur Mehta]

Client



Surender Soni <soni.surenderk13@gmail.com>

Reply on behalf of Respondents no. 26,38,39,45,49,57,90 in case no. OA No.582/2024

16

1 message

Surender Soni <soni.surenderk13@gmail.com>
To: pulkit Kapoor099@gamil.com

Wed, Jan 22, 2025 at 3:33 PM

Rakesh Kumar versus The Union Of India pending Before the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

We refer to the matter above and confirm that we act for Respondents no. 26,38,39,45,49,57,90 in this matter.


The O.A. mentioned above is listed for hearing on 17-2-2025 at 10.00 am to answer the application and to file the written statement.

(Note: Pdf of Written Statement along with copy of documents is also attached with this email.)

Regards,

Attachments below:

 Respondent 57_compressed_compressed.pdf

 Respondent 90_compressed.pdf

5 attachments

 **Respondent 26.pdf**
5742K

 **Respondent 38.pdf**
5536K

 **Respondent 39.pdf**
6346K

 **Respondent 45.pdf**
5315K

 **Respondent 49_compressed.pdf**
2594K