

**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.45

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

**O.A. NO. \_\_\_\_\_ OF 2024**

IN THE MATTER OF:

RAKESH KUMAR ... APPLICANT

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**REPLY ON BEHALF OF THE RESPONDENT NO.45**

**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 9 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.

*B. Chavikumar*

RESPONDENT NO.45

DELHI.

DATED:

THROUGH

*Randhir KV*

*Surender Soni*

RANDHIR KUMAR & SURENDER SONI  
ADVOCATES  
COUNSELS FOR RESPONDENT NO.45

**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.

*B. Chavikumar*

RESPONDENT NO.45

For Hisar Agro Food Products

*B. Chavikumar*  
Auth. Signatory

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**O.A. NO. \_\_\_\_\_ OF 2024**

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RAKESH KUMAR

... APPLICANT

VERSUS

THE UNION OF INDIA & ORS.

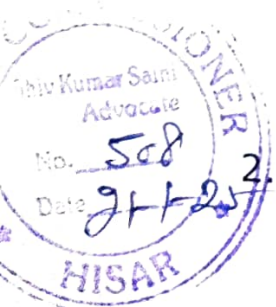
... RESPONDENTS

**AFFIDAVIT**

I, Anil Singhal S/o Suresh Kumar, authorized signatory of M/s Hisar Agro Food Products, Strod Ladwa, Road Southern Bypass, Hissar Haryana, do hereby solemnly affirm and declare as under:-

1. That I am the authorized signatory respondent No.45 in the above noted application and am well conversant with the facts of the case and as such competent to swear this affidavit.

That the accompanying reply to the application has been drafted by counsel for the respondent No.45 under its instructions and the contents thereof have





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... 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 Udyog Aadhar Memorandum Certificate.

DELHI.

DATED:

THROUGH

  
  
RANDHIR KUMAR & SURENDER SONI  
ADVOCATES  
COUNSELS FOR RESPONDENT NO.45



### To whom it may concern:

Today on dated: 3<sup>rd</sup> of January, 2025, at 10:30 a.m. Board of Directors meeting has been held in which Board of Directors appointed to Mr. Anil Singhal S/o Suresh Kumar as Authorized Signatory of Hisar Agro Food Products 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. Hisar Agro Food Products.











Managing Director  
For Hisar Agro Food Products

  
Anil Singhal, Authorized Signatory

**HISAR AGRO FOOD PRODUCTS**

Mfrs. of :- Hygiene & Superior Quality of Juices in Aseptic Brick Pack & Bottles.  
Ladwa Road, Southern Bye Pass, Hisar (Haryana)

GSTIN :- 06AAKFH2859L1ZX  
M.: 9215589770, 7206817705  
email :- moditgupta12345@gmail.com

  <p>भारत सरकार Government of India</p>	  <p>सूचना</p>
<p>भारतीय विशिष्ट पहचान प्राधिकरण Unique Identification Authority of India</p>	<ul style="list-style-type: none"> <li>■ आधार पहचान का प्रमाण है, नागरिकता का नहीं।</li> <li>■ सुरक्षित QR कोड / ऑफलाइन XML / ऑनलाइन ऑथेंटिकेशन से पहचान प्रमाणित करें।</li> <li>■ यह एक इलेक्ट्रॉनिक प्रक्रिया द्वारा बना हुआ पत्र है।</li> </ul>
<p>नामांकन क्रम/ Enrolment No.: 0013/04007/32494</p>	<p>INFORMATION</p>
<p>To अनिल सिंघल Anil Singhal C/O Suresh Kumar H.no - 26 Sector 9-11 Hisar Hisar Haryana - 125001 9215589770</p>	<ul style="list-style-type: none"> <li>■ Aadhaar is a proof of identity, not of citizenship.</li> <li>■ Verify identity using Secure QR Code/ Offline XML/ Online Authentication.</li> <li>■ This is electronically generated letter.</li> </ul>
<p>Signature Not Verified</p> 	<ul style="list-style-type: none"> <li>■ आधार देश भर में मान्य है।</li> <li>■ आधार कई सरकारी और गैर सरकारी सेवाओं को पाना आसान बनाता है।</li> <li>■ आधार में मोबाइल नंबर और ईमेल ID अपडेट रखें।</li> <li>■ आधार को अपने स्मार्ट फोन पर रखें, mAadhaar App के साथ।</li> </ul>
<p>आपका आधार क्रमांक / Your Aadhaar No. :</p> <p>मेरा आधार, मेरी पहचान</p>	<ul style="list-style-type: none"> <li>■ Aadhaar is valid throughout the country.</li> <li>■ Aadhaar helps you avail various Government and non-Government services easily.</li> <li>■ Keep your mobile number &amp; email ID updated in Aadhaar.</li> <li>■ Carry Aadhaar in your smart phone – use mAadhaar App.</li> </ul>
  <p>भारत सरकार Government of India</p>  <p>अनिल सिंघल Anil Singhal जन्म तिथि/DOB: 27/11/1983 पुरुष/ MALE</p> <p>Issue Date: 12-10-2013</p>	  <p>भारतीय विशिष्ट पहचान प्राधिकरण Unique Identification Authority of India</p> <p>पता: C/O सुरेश कुमार, एच.न - 26, सेक्टर 9-11, हिसार, हिसार, हरियाणा - 125001</p> <p>Address: C/O Suresh Kumar, H.no - 26, Sector 9-11, Hisar, Hisar, Haryana - 125001</p> <p>Download Date: 22/08/2022</p>
<p>मेरा आधार, मेरी पहचान</p>	<p>1047   help@uidai.gov.in   www.uidai.gov.in</p>

B (Anil Kumar)

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उद्योग आधार

MSME

Udyog Aadhaar

B

Type of Enterprise	Micro	Small	Medium
Manufacturing	A	B	C
Services	D	E	F
UAN	HR06B0001065		

## Udyog Aadhaar Memorandum - Online Verification

Name of Enterprise: Hisar Agro Food Products

Major Activity: Manufacturing

Social Category: General

Location of Plant Details

SN	Flat/Door/Block No	Name of Premises/Building Village	Road/Street/ Lane	Area/Locality	City	Pin	State	District
1	Satrod, Ladwa Road	Satrod Dypess	Ladwa Road	Satrod	Hisar	125044	HARYANA	HISAR

Enterprise Type: Small

National Industry Classification Code

SN	NIC 2 Digit	NIC 4 Digit	NIC 5 Digit Code	Activity Type	Added On
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	18/05/2017

Date of commencement: 25/04/2017

DIC Name: HISAR

State: HARYANA

Applied Date: 18/05/2017

Modified Date: N/A



**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 Anil K. Singla S/o Suresh Kumar  
Auth. Sing of Hisar Agro Food Products at Indira Road, Southern Bypass, Hisar (Hary)

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 Precitioner 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 out 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 undertaken 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 to hereby agree not to hold the advocate or his substitute responsible for result of aid 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 undersignd to 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 pad-up. If any costs are allowed for an adjournment the Advocate would be entitled to the same.

In the witness where of I/We do hereby set my/our hands to these presents of which have been understood by me/us this 3rd of Jan, 2025

Advocate

**For Hisar Agro Food Products**

Client  
 Auth. Signatory



Surender Soni &lt;soni.surenderk13@gmail.com&gt;

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

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1 message

Surender Soni <soni.surenderk13@gmail.com>  
To: pulkit Kapoor <pulkitkapoor099@gmail.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

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**5 attachments**

 **Respondent 26.pdf**  
5742K

 **Respondent 38.pdf**  
5536K

 **Respondent 39.pdf**  
6346K

 **Respondent 45.pdf**  
5315K

 **Respondent 49\_compressed.pdf**  
2594K