

N.D.H.:04.09.2025

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

ORIGINAL APPLICATION NO. 1132 OF 2024

IN THE MATTER OF:

DEEPAK

..... APPLICANT

VERSUS

STATE OF HARYANA & OTHERS

.... RESPONDENTS

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Place: New Delhi**Date:** 30.08.2025

Filed by:-


(GAURAV AGARWAL)

Advocate for Respondent No.25
RSB Projects Pvt. Ltd.

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**REPLY ON BEHALF OF THE RESPONDENT NO. 25,
M/S RSB PROJECTS PVT. LTD., KARNAL**

1. That the present OA has been registered on the letter petition by the Applicant raising a grievance against the setting up of ready mix plants alleging violation of environmental norms for project P-25 of the Indian Oil Corporation.
2. That by order dated 18.11.2024 this Hon'ble Tribunal has constituted a joint committee to submit a status report. The joint committee submitted its report on 18.12.2024 and 17.02.2025 after which the project proponents including the answering Respondent was directed to be impleaded and notices were issued. The answering Respondent appeared through its advocate on 15.04.2025 after the service of notice on him. The Hon'ble Tribunal allowed the answering Respondent to file its reply.
3. That it is submitted that answering Respondent was awarded the civil works contract, including the non process area, control building and lab building at the IOCL Panipat Refinery and Petrochemical Complex Panipat, vide Purchase Order no. 38030138/AKB on 30.10.2023.
4. That in order to facilitate the work the answering Respondent entered into a lease agreement with Satish Singh and Kashmir Singh for land at nearby vill. Lite at Kutana Chowk on

01.06.2024.

5. That the answering Respondent, thereafter, shifted its RMC plant from HAL Mumakuru site and commissioned the same on 01.07.2024.
6. That from July 2024 to Nov. 2024 the plant was in operation for total of around 78 days, i.e., 17 days both in month of July and August, 16 days in month of September, 18 days in month of October and 10 days in month of Nov. Thus, it was not operated more than 78 days in total.
7. That on 20.11.2024 the RMC plant was inspected by the officials of HSPCB and on 21.11.2024 directions were issued for closure of the plant as well as environment compensation was imposed to the tune of Rs. 10,00,000/-. The plant was also sealed by the HPSCB and since then the same is not in operation. The copy of the closure order and the environment compensation is attached at annexure 43 and 44 of the joint committee report.
8. That the answering Respondent also wrote to the HSPCB on 24.03.2025 informing them the status of the plant. It was categorically stated that pursuant to the instructions by the HSPCB the answering Respondent has also dismantled the plant on 01.12.2024. Another reply was submitted on 01.04.2025 informing the schedule of the operation of the plant which showed that in all the plant was not in operation for more than 78 days. A true copy of the reply sent by the answering Respondent dated 01.04.2025 is **ANNEXURE R-1**
9. That the answering Respondent has not operated the plant after the closure was passed. Moreover, the answering Respondent is

not a polluting industry as it is covered under green category unit. The absence of the Consent is at the most an irregularity and not an illegality.

10. That the order dated 23.11.2024 is also in contrary to the recent judgement of the Hon'ble Supreme Court in case of Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc. Civil Appeal no. 757-760 of 2013 decided on 04.08.2025. The Supreme Court has held that the board does not have power to impose penalty but only power to impose restitutionary or compensatory damages. The Hon'ble Supreme Court has further stated in the said judgement that before any imposition of environment clearance the Board has to make a determination of some form of environmental damage or harm by the erring entity, however, no such determination is done in present case. Also, no opportunity of hearing was granted before imposing the penalty. The relevant paragraph is quoted as under :

“30. The Board’s powers under Section 33A of the Water Act and Section 31A of the Air Act have to be read in light of the legal position on the application of Polluter Pays principle as formulated and explained. This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.”

11. That it is submitted that the answering Respondent has not operated the RMC plant in violation of the law. The answering Respondent being under the impression that the units falling under the green category were not required to obtain consent and hence the answering Respondent could not obtain consent as required. However, the plant was closed down as soon as the

order of closure was communicated. The imposition of EC on basis of some direction passed by HSPCB on 22.12.2021 giving the some methodology is not justified and not acceptable.

12. That the answering Respondent failed to obtain the CTO due to bonafide ignorance of law that the CTO was required for green category units. It may be pertinent to mention that in case of **Just Rights for Children Alliance and Another v. S. Harish and Others Crl. Appeal No. 2161-2162 of 2024 decided on 23.09.2024** the Hon'ble Supreme Court has held that ignorance of law as a defence is applicable where :

- (1) an ignorance or unawareness of any law
- (2) such ignorance or unawareness must give rise to a corresponding reasonable and legitimate right or claim
- (3) the existence of such right or claim must be believed bonafide and
- (4) the purported act sought to be punished must take place on the strength of such right or claim.

13. That in the light of the reply in the preceding paragraphs it is submitted that on the merits of the case, the Original Applications deserves to be dismissed with exemplary costs to the answering Respondent.

Respondent No. 25,
M/S RSB Projects Pvt. Ltd. Karnal

Through


GAURAV AGARWAL
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AFFIDAVIT

I, Sandeep Gupta, aged about 41 years, S/o Shri R.K. Gupta, Resident of 1103, Sector-15, Faridabad, Haryana-121007, do hereby state on solemn affirmation as under:

1. That am the Director of the Respondent No.15, in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That I have gone through the accompanying Reply from para 1 to 14 and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.
3. That the Annexure A-1 to A-4 the reply are true copy of the documents.

Solemnly affirmed on this day 27th of August, 2025 at Faridabad, Haryana.



Sandeep Gupta
DEPONENT

VERIFICATION

Verified at Faridabad, Haryana on this 27th day of August, 2025 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

ATTESTED AS IDENTIFIED

Sandeep Gupta
DEPONENT

Notary Faridabad (Haryana)

27 AUG 2025

I know the Deponent and He/She Signed Print. His/Her Thumbs Impression in My Presence

Sandeep Jha R. K Gupta

42139
27/8/2025

for 2025



RSB PROJECTS PRIVATE LIMITED

Co Indian Oil Corporation Limited
Shell, Panipat Refinery,
Panipat-132140, Haryana
GST Number: 06AAACR0205R1ZF



REF NO: RSB/291/22/PR/PRU&MUG-C/720

DATE: 01.04.2025

Regional Office
Haryana State Pollution Control Board
2nd Floor, SCO- 78-79, Namastey Chowk, Karnal-Haryana

Reference: Environmental Compensation Wide order no: HSPCB/KAR/2024/5136 dated 21.11.2024 and hearing at HSPCB Panchkula on 11.03.2025

Subject: RMC Batching Plant Installation and commissioning for Panipat P-25 Expansion Project of M/s Indian Oil Corporation Limited.

Dear Sir,

With reference to the subject above we would like to update about the batching plant Installation at near Kutana Chowk of Kutana village, District Karnal for the Panipat P-25 expansion project of M/s Indian Oil Corporation Limited as part of the project.

1. We entered into a lease Agreement with Mr. Gauram Singh and Kashmir Singh for the required land at nearby the project site at Kutana Chowk waf 01.06.2024 (copy of lease agreement enclosed) **01.06.2024**
2. We shifted our old RMC plant from HAI, Tumakuru Site to this location and commissioned the same on 01.07.2024 (copy of commissioning/calibration report enclosed). **01.07.2024**
3. We will like to confirm said RMC plant was established to our captive use for RMC requirement of our ongoing project of IOCL Panipat Refinery (P-25) expansion project only. Month wise running of RMC plant are appended below:-

• July 2024 -	606.0 Cum	17 Days
• August 2024 -	487.2 Cum	17 Days
• Sept. 2024-	332.5 Cum	15 Days
• Oct. 2024 -	412.8 Cum	15 Days
• Nov. 2024-	269.5 Cum	10 Days

Copy of log sheet and RMC details are enclosed for your reference.

Received
HSPCB No. KAR/
01/04/25

Received
Haryana State Pollution Control Board
Karnal Region

Karnal Region Email: hspcbrokar@gmail.com

Admin. Office: RSB PLAZA, SCO B Block, Sector-10, Panipat-132140
Ph: 0129-4116661, 0129-4012726 | admin@rsbproject.com | www.rsbsb.com



4. Operation of RMC plant was suspended after receipt of your notice no. HSPCB/KAR/2024/5136 dated 21.11.2023 and process of dismantling of RMC plant was commenced thereafter. Please refer our letter no. RSB/291/22/PR/PRU&MUG-C/718 dated 26.03.2023 in this regard.

In view of above facts, we request you to view our case favorably and not to impose any penalty against us as per Environmental Compensation Notice No. 100/2023 dated 21/11/2024.

Thanks & Regards



PAN SINGH

Authorized Signatory
For RSB PROJECTS PRIVATE LTD
Panipat Refinery Expansion Project (P-25)
Bohali, Panipat Refinery Panipat-HR.

Enclosure: A/a

//TRUE COPY//