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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



Ajitesh Garg

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Dated: 08.04.2026

**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

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

1. The present Appeal assails the Environmental Clearance (EC) dated 30.04.2025 granted by the Ministry of Environment, Forest and Climate Change in favour of the Project Proponent, R. No. 2 (M/s Meja Urja Nigam Pvt. Ltd.) for expansion of the Meja Thermal Power Project from 1320 MW to 3720 MW located at village Kohdar, Mai Khurd & Patai Dundi, Tehsil Meja, District Prayagraj, Uttar Pradesh. The challenge, in substance, is directed against the decision-making process of the statutory authorities and the technical appraisal undertaken by the Expert Appraisal Committee.
2. The Respondent No 3, M/s EQMS Global Pvt. Ltd., the Answering Respondent herein has been made a party in an unprecedented manner whereby, a technical accredited EIA agency is being dragged into this lis ,where they have only provided a technical input, and have been engaged for the preparation of the Environmental Impact Assessment report in accordance with the Terms of Reference prescribed by the competent authority. The role of the Answering Respondent is limited to providing scientific and technical inputs and presenting the same before the EAC for adjudication by the EAC on merits and providing clarifications on the technical queries, if any. The Answering Respondent is not involved in the decision-making process for the grant of Environmental Clearance.
3. At the outset, it is also pertinent to mention that any issues with the technical competency of an accredited agency may be raised in the appropriate competent forum that has granted the accreditation, as has already been done by the Appellant vide Email dated 21.10.2025 [Pg. 2265 of the Common Rejoinder

dated 01.01.2026]. The said dispute is now before NABET-QCI, and the matter is pending adjudication by the said competent authority. Having raised such issues, the Appellant is now engaged in forum shopping to perhaps apply undue pressure by making the Answering Respondent a party herein while initiating parallel proceedings in the competent authority. Clearly, this is not permissible in law. This Hon'ble Tribunal may take strict note of the conduct of the Appellant and order accordingly.

4. That further, there are no direct allegations in the Appeal of the Appellant qua the Answering Respondent, except a reference in Para 22 about a response from the EIA Consultant with regard to the proceedings before the MoEF&CC. The alleged complaint was sent to the EAC with a copy to MOEF&CC. The complaint is not addressed to the Consultant, as is borne out by the said complaint at page 53 (Annexure A3 of the Appeal). Further, it is alleged that the Consultant responded on the next day of the complaint i.e., on 18.04.2025 stating that MoEF&CC had sought EDS based on the Appellant's observations dated 17.03.2025. Arguendo, such routine communication and a reference to the same does not insinuate any wrong doing or allegation against the Answering Respondent. It is only after the Answering Respondent filed for deletion from the array of parties that the Appellant herein has, in his Common Rejoinder, raised allegations against the Answering Respondent and quoted the NABET QCI scheme for accreditation for the same. It is a settled principle of law that new allegations and facts cannot be placed in a Rejoinder, and the same has also been affirmed. Rule 16 of the NGT Rules 2011 also specifies in clause (7) that parties may be permitted to amend the pleadings in the same manner as provided under Order 6, Rule 17 of the Civil Procedure Code, 1908. However, the Appellant, without seeking the said permission, has attempted to submit new facts and grounds without compliance with Rule 16.
5. The present Written Submissions/Reply Affidavit is additionally being filed for clarifying on merits and demonstrating that (i) the Answering Respondent has acted strictly within its limited technical mandate and in accordance with

applicable standards, and (ii) the objections raised in the Appeal, particularly those concerning baseline data and methodology, are factually incorrect, technically misconceived, and already considered and addressed during the appraisal process.

A. ROLE, FUNCTION, AND NON-LIABILITY OF RESPONDENT NO. 3

6. The Answering Respondent is a NABET-accredited consultant (Pg. 399 of the Reply of Respondent No. 2) operating as an independent technical agency, engaged through a transparent process, and is not engaged in any decision-making in the grant or refusal of Environmental Clearance. The EIA report prepared by the Answering Respondent is a technical compilation based on field studies, laboratory analysis, and established methodologies, aligned with the Terms of Reference issued by the competent authority in accordance with the framework provided in the EIA Notification, 2006.
7. The EIA report has been prepared by the team of Answering Respondent consisting of sector-specific experts of air pollution monitoring & control, water pollution, ecology and biodiversity, risks and hazards, land use, socioeconomic concerns, geology, hydrogeology and soil conservation, who have undertaken field visits for verification of data and conducting surveys such as the Avifaunal survey. Additionally, Advanced Environmental Testing and Research Lab Private Ltd., which is also a NABL-accredited and CPCB recognised institute, was also engaged for undertaking physical tests such as conductivity, colour, pH, inorganic and organic tests, microbiological tests, among others [Refer pg. 400-401 of the Reply of Respondent No. 2).
8. The report does not, by itself, confer any right or determine the outcome of the appraisal. The authorities retain full discretion to accept, reject, or seek further clarification on the report as per Para 7(IV) of the EIA Notification, 2006. Consequently, the attempt of the Appellant to attribute the grant of Environmental Clearance to the answering Respondent or to impute liability upon it for the decision of statutory authorities, is fundamentally misplaced.

B. STATUTORY FRAMEWORK AND FINALITY OF EXPERT APPRAISAL

- 9.** The EC dated 30.04.2025 has been granted under the framework of the EIA Notification, 2006, which contemplates a multi-stage process involving scoping, preparation of EIA report, public consultation including public hearing, appraisal by the Expert Appraisal Committee, and final decision by the Central Government through the Ministry of Environment, Forest and Climate Change.
- 10.** In the present case, the project being a Category 'A' thermal power project expansion, the appraisal was conducted at the Central level by the Expert Appraisal Committee. The record clearly reflects that the proposal underwent multiple rounds of consideration, including deferrals for additional scrutiny and requisition of Additional Details (ADS), which were duly furnished and evaluated. As many as three EAC meetings including a site visit of the Sub-Committee, four ADS/EDS raised and then the EAC recommended the proposal. The Role of the Answering Respondent was limited to the presentations that were made before the EAC as recorded in the meetings dated 12.12.2024, 24.02.2025 and 04.04.2025.
- 11.** The EAC, being a specialized expert body, is entrusted with evaluating technical data, methodologies, and environmental impacts. The ultimate decision of granting Environmental Clearance is an independent statutory determination made by the Ministry upon consideration of the EAC's recommendation. The Consultant's report is confined to preparation of EIA, EMP and any revision of the said documents in view of the ADS/EDS raised and in view of the public hearing during the appraisal stage by the EAC. The detailed procedure in which the appraisal has been undertaken by the EAC is reiterated below and clarifies that the report prepared by the Answering Respondent has undergone a detailed scrutiny before the EAC recommended the Environmental Clearance.
- 12.** The final EIA Report dated 10.09.2024 was submitted by the Answering Respondent along with the form and the application for Environmental Clearance

on 05.11.2024. The application, along with the EIA report, was placed for appraisal before the 16th EAC meeting on 12.12.2024, and a detailed presentation was made regarding the same. However, the EAC thereafter raised 27 points for clarification, rectification by the Answering Respondent and deferred the proposal. [The minutes of 16th EAC is appended at Annexure R1/2, Pg. 1909 of the Reply of Respondent No. 1, MoEF&CC]

- 13.**The EAC has also recommended a field visit by the Sub-Committee of EAC. From 15.01.2025 – 19.01.2025, the Sub -Committee of the EAC visited the proposed site and suggested 14 more clarifications. In compliance with the observations of the EAC in the 16th meeting and the Sub Committee field visit recommendations, the Answering Respondent herein prepared the technical response and the same was submitted by the Project Proponent Respondent No. 02 on 05.02.2025 by way of a finalised EIA Report. [The report of the visit of the Sub-Committee is annexed at Annexure R1/3, Page 1945 of the Respondent No. 1, MOEF&CC]
- 14.**The EAC considered the said response dated 05.02.2025 in their 20th meeting on 24.02.2025 and deferred the proposal again for further clarifications as well as revision of the data in the EIA/EMP report and the presentation to ensure consistency of the data [The minutes are annexed at Annexure R1/4, Page. 1955 of the Reply of Respondent No. 1, MOEF&CC, which also includes the Response dated 05.02.2025 given by the Answering Respondent.]
- 15.**The technical response to the Additional Information sought by the EAC was duly prepared by the Answering Respondent and submitted through the Project Proponent Respondent No. 2 on 12.03.2025 by further revising the EIA Report [Annexure R1/5, pg. 2036 of the Reply of Respondent No. 1, MOEF&CC]. It is also pertinent to mention that the Appellant herein wrote a representation to the EAC, raising the same grievances as are being raised herein in the Appeal on 17.03.2025 . The Answering Respondent again clarified the technical points raised therein and submitted the response through the Project Proponent on 22.03.2025 [Page. 2037 of the Reply of Respondent No. 1, MOEF&CC].

- 16.** Thereafter on 04.04.2025, after detailed deliberations on the responses as well as Action Plans prepared in compliance with the EAC recommendations, the EAC recommended the project for Environmental Clearance subject to certain conditions. However, thereafter, the EAC raised further technical queries and clarifications vide ADS dated 15.04.2025, which were duly responded to and clarified by letter dated 16.04.2025 by the Project Proponent. [Refer Annexure R1/7, pg. 2187 of the Reply of Respondent No. 1, MOEF&CC]. Finally, the Environmental Clearance was granted on 30.04.2025 to the Respondent No. 02.
- 17.** It is therefore submitted that any challenge to the Environmental Clearance must necessarily demonstrate illegality or perversity by the answering Respondents during the statutory decision-making process. Mere disagreement with the technical findings by the Appellant, who is a lawyer based out of Odisha and Gurugram, challenging a case of Uttar Pradesh (perhaps on behalf of a competing Consultant) and not a technical expert or isolated alleged discrepancies in data, cannot invalidate the entire appraisal. It is the EAC that examines the Technical Findings and after satisfying itself makes its recommendations. It is reiterated that the record clearly reflects that the proposal underwent multiple rounds of consideration, including deferrals for additional scrutiny and requisition of Additional Details (ADS), which were duly furnished and evaluated. The concerns raised by the Appellant have been judiciously and diligently considered by the EAC before making the recommendations, and nowhere does this impute any wrong-doing by the answering Respondent.
- 18.** It is also unclear as to how an Appellant based out of Orissa and Gurugram is aggrieved and impacted by the expansion of M/s Meja Urja Nigam Pvt. Ltd in Prayagraj, Uttar Pradesh. In *State of Uttar Pradesh v. Uday Education and Welfare Trust*, 2022 SCC OnLine SC 1469, the Hon'ble Supreme Court in *Uday Welfare* has categorically held that the credentials and bonafides of the litigator ought to be considered and tested, especially when the rights of many are going to be adversely affected.

19. That further in *Anand Kumar Jha v. Union of India and Ors*, I.A. No.78/2021/EZ) in Appeal No.05/2021/EZ), this Hon'ble Tribunal stated that there is a need for thorough examination of litigants' credentials before allowing cases with significant ramifications. It further stated that the National Green Tribunal must verify the genuineness and intentions of such litigants, particularly when their grievances could affect numerous rights and interests. Further, in *Rana Sengupta v. Union of India*, 2013 SCC OnLine NGT 31, it was held that the, "Appellant did not have locus as the Appellant could not show any expertise to evaluate impact on environment and there was no record of appellant's participation the public consultation process and raised any issue regarding the environment or socioeconomic adverse impact on account of establishment of the proposed project".

C. RESPONSE TO ALLEGATIONS REGARDING BASELINE AIR QUALITY DATA

20. The principal challenge in the present Appeal pertains to the alleged unreliability of baseline environmental data, particularly ambient air quality monitoring. The Appellant has raised multiple technical objections, without having any technical expertise or supplementing the alleged discrepancies through another accredited consultant's findings, including inconsistencies in Ammonia data, alleged non-compliance with sampling standards, and omission of certain parameters. These objections have been duly considered by the EAC before grant of Environmental Clearance. At the outset, it is submitted that baseline environmental data is generated through systematic monitoring across multiple locations and time periods, and the same has been undertaken as per the prescribed Terms of Reference as well as the Guidelines of the Central Pollution Control Board. It is also pertinent to mention that the Appellant has wrongly considered the final EIA Report as 29.10.2024 when in fact the final revised EIA Report, including the recommendations of EAC was updated on 16.04.2025. Thus, the Appellants reliance on the old EIA Report is clearly without merit as the allegations and

alleged discrepancies raised herein have been duly noted by the EAC and rectified according to the EAC observations and recommendations. Without prejudice to the contentions herein, following specific observations are relevant:

C.1 Issue of Ammonia Measurement:

- 21.**The Appellant has questioned the reported Ammonia concentrations on the basis of certain inconsistencies in minimum and maximum values. It is submitted that Ammonia is not a mandated parameter under the Terms of Reference for ambient air monitoring in the present project . The standard Terms of Reference specifically with respect to Environment Baseline Study and Mitigation Measures, clarify only the following Ambient Air Quality Monitoring parameters to be included, PM10, PM2.5, SO2, NOx, CO and Hg [Refer Page 442 of the Reply Affidavit of Respondent No. 2]. Notwithstanding the above, Ammonia monitoring was undertaken, and the recorded values were consistently well within the applicable standards. The National Ambient Air Quality Standards prescribe a significantly higher permissible limit for Ammonia, and the observed values do not indicate any environmental concern. The methodology for the calculation of Ammonia is mentioned in the EIA Report at Pg. 524 of the Reply of Respondent No. 2, i.e., IS 5182 (Part 25). 24-hour sampling has been taken twice a week for three months. The monitoring result is produced at Pg. 525, and the values of the monitoring are on page 527, which clarifies that the monitoring value is less than 20 and is much lower than the National Ambient Air Quality standard of 400. Only on three occasions the value was 24 and 25 of Ammonia. The 24 hour sampling has been undertaken as per the CPCB Gazette Notification dated 18.11.2009. A copy may be provided if desired by this Hon'ble Tribunal.
- 22.**The discrepancy wherein minimum and maximum values were reflected as "0" has already been clarified during the appraisal process as a typographical or reporting error [Response to ADS at Page 2039 of the Reply of Respondent No, 1, MOEF&CC]. Such an error does not affect the underlying dataset, the measured

concentrations, or the scientific conclusions derived therefrom. The EAC, after considering the clarification and the complete dataset along with the corrected EIA Report, did not find any infirmity warranting rejection of the baseline data, thereby confirming the technical adequacy of the assessment [Refer 23rd Minutes of the EAC Meeting dated 04.04.2025 at Page 2173 of the Reply of Respondent No. 1, MoEF&CC].

C.2 Alleged Non-Compliance with Sampling Methodology

- 23.**The Appellant has alleged non-compliance with BIS and CPCB guidelines regarding placement of samplers, sampling duration, and instrumentation. It is submitted that ambient air quality monitoring involves practical field conditions, and minor variations in positioning or operational parameters do not invalidate the entire dataset unless they materially affect the accuracy/completeness of the data. It is also unclear how a lawyer is privy to such information of the ground and how is he in the knowledge of the details of such field observations. Clearly, there is something more than meets the eye.
- 24.**The monitoring in the present case was conducted across ten locations over multiple seasons, ensuring spatial and temporal accuracy/completeness. The specific Terms of Reference No. 3 under the 'Miscellaneous' head had prescribed that the PP should submit the photographs of monitoring stations and sampling locations. The photograph should bear the date, time, latitude, and longitude of the monitoring station/sampling location. Further, the general Terms of Reference under the subhead 'Environment Baseline Study and Mitigation Measures', *inter alia* prescribed that there should be at least one monitoring station each in the upwind and in the predominant downwind direction where the maximum ground level concentration is likely to occur. [Pg. 435 read with Pg. 441-442 of the EIA Report in the Reply of Respondent No. 2, Meja Thermal Power Plant].
- 25.**The same was duly complied with and submitted by the Answering Respondent in the EIA Report and submitted in Chapter 3, specifically 3.6.2-3.6.4 of the EIA

Report [Pg. 521-528 of the EIA Report in the Reply of Respondent No. 2, Meja Thermal Power Plant]. It has been clearly mentioned that the monitoring station sites were selected based on meteorological conditions, topography of the study area, representatives of the regional background air quality, representatives of likely impact areas and location of residential area, including upwind and downwind of the site. The data trends across locations demonstrate internal consistency and compliance with regulatory standards. It is also unclear how a lawyer-Appellant is privy to such information of the ground and how is he in the knowledge of the details of such field observations. Clearly, there is something more than meets the eye.

- 26.**The issue of sampler placement and methodology was specifically within the domain of the EAC's technical scrutiny. The issue was also raised by the Appellant in his complaint before the MoEF&CC, was taken cognisance of by the MOEF&CC and discussed in the E.A.C. meeting of 24-02-2025. Based on the discussions held on 24.02.2025 an ADS was generated by the MoEF and CC on 17.03.2025. Replies to the ADS were submitted on 22/24.03.2025, which were discussed in the 23rd meeting of the EAC on 04-04-2025, and after duly satisfying itself, the EAC recommended grant of E.C. on 04-04-2025.
- 27.**Through the response to the ADS, the Ministry was informed that there is no Guideline for maintaining a 2-meter distance between two instruments as prescribed by I.S. 5182 (Part 14): 2000. It was also submitted that two instruments were used only at the project site for the monitoring of PM 2.5 and PM10 and for other sites combo air samplers were used. The MoEF&CC was also appraised of the fact that the minimum height was maintained for ambient air quality samples with all required clearance. At Piprau village also the height of the suction inlet was around 2 mts above ground level. The air flow radius within 02 meters around the samplers was maintained. In this connection, it is further submitted that I.S. 5182 Part 14 prescribes methods of gaseous sampling and sampling for particulate matter. It is not denied that I.S. 5182 (Part 14):2000 prescribes a sampler location of 4 to 12 meters above ground level at paragraph 8.1.3.

However, the appellant has failed to bring before this Hon'ble Tribunal that para 8.1.3.1 of the same standard says that the provisions of para 8.1.3 could be appreciably reduced if auxiliary data on location of polluting sources, these emission levels and appropriate meteorological data are available.

28. After due perusal of the technical specifications and locations of the samplers, among other clarifications, the EAC, being composed of domain experts, evaluated the methodology and accepted the results, thereby affirming their reliability as they duly captured the baseline levels. It has been time and again held by the Hon'ble Apex Court as well as this Hon'ble Tribunal that once an expert committee has duly applied its mind to an application for EC, any challenge to its decision has to be based on concrete material which reveals total absence of mind. Absent that material, data deference must be shown to the decisions of experts. [*Rajeev Suri v. Delhi Development Authority* 2921 SCC OnLine SC 7; *Kantha Vibhag Yuva Koli Samaj Parivartan v. State of Gujarat and Others* 2023 13 SCC 525], *Budhasen Rathore v. Union of India and Others* [Appeal No. 06/2020].

C.3 Allegation Regarding Omission of Mercury and Other Parameters

29. The Appellant has contended that Mercury and certain trace elements were not included in the monitoring dataset. This contention is denied as being wrong and misplaced. The scope of monitoring parameters is governed by the Terms of Reference issued for the project. The EIA study adhered to the prescribed ToR. Parameters not mandated therein cannot be treated as omissions rendering the study invalid. Furthermore, environmental impact assessment relies on representative indicators of pollution load and dispersion modelling. However, Mercury and other trace elements were analyzed and considered by the EAC before grant of E.C. They were always found below detectable limits. The sampling of mercury was duly undertaken for air, surface water and groundwater quality as well as soil as is evident from Section 3.1 [Pg. 489 of Reply of Respondent No. 2], Table 3.11 [Pg. 527 of Reply of Respondent No. 2], table

3.18 -3.20 [pg. 538-539 Reply of Respondent No. 2] and table 3.9.5 [pg. 555-556 of the Reply of Respondent No. 2] has remained below detectable limits.

30. Similarly, Appellant has wrongly stated that Nickel has not been included in the EIA Report. At Section 3.1 [Pg. 489 of Reply of Respondent No. 2] as well as in Table 3.11 for ambient air quality in the EIA Report, Nickel parameter has been found to be under permissible limits. [pg. 527-528 of the Reply of Respondent No. 2]. Thus, the allegations in the Appeal are baseless and without any merit in facts. It is also unclear how a lawyer-Appellant is privy to such information of the ground and how he is in the knowledge of the details of such field observations. Clearly, there is something more than meets the eye.

C.4. Allegations Regarding Laboratory Practices and Test Reports

31. The Appellant has raised issues concerning laboratory accreditation, reporting formats, and mention of testing methods. It is submitted that laboratory analyses are conducted using standardized methods and protocols. The reliability of the data is assessed on the basis of overall consistency, compliance with standards, and acceptance by the expert appraisal body, all of which stand satisfied in the present case. Further, any allegations with respect to the accreditation of Advance Environment Testing and Research Lab Ltd. are baseless as the same is a NABL as well as CPCB-accredited lab, and the Appellant is put to strict proof to rebut the same based on expert evidence backed with relevant third-party expert opinion. The accreditation of the laboratory is duly annexed in the EIA Report.

32. Further, with respect to allegations of accreditation and recognition of Saturn Quality Certifications Pvt. Ltd., it is clarified that the said laboratory is a NABL-accredited radioactivity testing laboratory. The methods which have been used by the said lab were duly submitted in the reply to the ADS dated 17.03.2024, before the appraisal and recommendation for the Environmental Clearance to Respondent No. 4 by the Expert Appraisal Committee.

C.5 RESPONSE TO ALLEGATIONS REGARDING WATER QUALITY AND OTHER DATA

- 33.**The Appellant has also questioned water quality data, particularly with respect to phosphate levels and heavy metals. It is submitted that environmental data is often reported with detection limits, ranges, and thresholds. Reporting values as “less than” a certain limit indicates that the concentration is below the said limit and does not imply excess. The interpretation advanced by the Appellant conflates detection limits with regulatory limits and does not reflect correct scientific understanding. No surface or ground water drinking water standards have been prescribed for Phosphates nor have any standards been prescribed in the best use classification by the CPCB. The EAC, upon evaluation of the data, did not find any anomaly that would warrant rejection of the baseline study. It is also pertinent to mention that the parameters for phosphate in groundwater monitoring quality have not been specified in IS 10500. However, the groundwater analysis samples at Page 537-539 clarify that the phosphate levels are lower than 0.5. Further, the river water quality meets the CPCB best designated use criteria.
- 34.**Further, with respect to the presence of Hexavalent Chromium, kind attention is drawn to the E.I.A. report of 29-10-2024 (Pages 141-154 Annexure 7) and its subsequent revisions made in 2025 where Chromium has been mentioned as Total Chromium and not as Hexavalent Chromium and the acceptable limit reported as 0.05 mg/L. The E.I.A. has analyzed and discussed total chromium. Similarly for allegations of misrepresentation of cadmium values, the final EIA Report clarifies cadmium levels to be less than 0.001, which is much below the permissible limit of 0.003 in ground water sampling tests. [Refer pg. 537 to 545 of the Reply of Respondent No. 2].

D. PUBLIC CONSULTATION AND PROCEDURAL COMPLIANCE

- 35.**The Appellant has relied upon representations and editorial publications to contend that objections were ignored. The EIA Notification provides a structured mechanism for public consultation, including submission of relevant rapid EIA

reports, public hearing and submission of written responses through prescribed channels. The Appellant has not made any representation during the public hearing and there is no procedure by which any news item could be considered by the EAC/Ministry unless it is referred to them as per procedures in the E.I.A. Notification of 2006. The minutes of the public hearing were duly recorded and placed before the EAC for consideration along with a resolution or Action Plan for addressing the queries of the public. The same is included in Chapter 7 of the EIA Report. The EAC has duly considered the Action Plan and thereafter recommended for the grant of Environmental Clearance. Thus, the allegations of the Appellant vis a vis the public hearing and the alleged non-compliance with the procedure are baseless and without any merit. The Minutes of 04.04.2025 of the EAC at Page 2149 onwards clearly record the Action Plan and the amount of Rs. 40.10 crores, which has been demarcated for addressing the issues raised in the public hearing. Despite this, all the observations raised by the Appellant have been duly examined and considered by the Ministry before the grant of the Environmental Clearance. Further the Appellant was not part of the Public Hearing Process and therefore clearly a busybody Consultant masquerading as a Lawyer raising issues in Uttar Pradesh while himself residing in Odisha/Gurugram where he can possibly have no other interest except malafide.

- 36.** Informal publications or unilateral representations outside the statutory framework do not constitute valid inputs in the appraisal process. The record demonstrates that the project underwent due public consultation and appraisal. The fact that the project was deferred at earlier stages for additional scrutiny itself evidences that the EAC applied its mind and exercised due diligence before recommending clearance.
- 37.** The challenge raised in the present Appeal is essentially an attempt to question technical findings of expert bodies on the basis of selective observations and perceived inconsistencies. The baseline data, methodology, and conclusions of the EIA report were subjected to scrutiny by the Expert Appraisal Committee, which

sought clarifications, considered additional details, and ultimately found the assessment satisfactory.

38. The Environmental Clearance granted thereafter is an independent statutory decision, based on expert evaluation and due process. The Answering Respondent has acted strictly within its limited role as an accredited consultant, applying scientific methods and adhering to prescribed standards. No mala fides, negligence, or material irregularity can be attributed to it. The allegations raised in the Appeal, when examined in their proper technical and legal context, do not disclose any ground to question the validity of the EIA study or to attribute any liability upon Respondent No. 3.

39. That the Appellant in his Appeal has not raised any allegations specifically against the Answering Respondent. However, the allegations on merit vis a vis the discrepancies in the EIA Report are denied as vague, belated and without any merit in law and duly responded to in the abovementioned Preliminary Submissions. That any contention which has not been specifically responded in the present Reply Affidavit is herewith denied and is not to be construed as having been accepted by the Answering Respondent as if traversed seriatim.



RESPONDENT NO.3

Through



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Dated: 08.04.2026

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

APPEAL NO. 46/2025

IN THE MATTER OF:

Sanjaya Kumar Mishra

...Appellant

Vs.

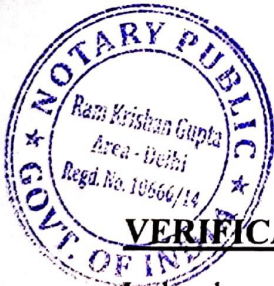
Ministry of Forest, Environment and Climate Change & Ors.

...Respondents

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.



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 08 APR 2026 on this 08 day of April, 2026.

A handwritten signature in blue ink, appearing to read 'Sanjay'.

DEPONENT

A second handwritten signature in blue ink, appearing to read 'Sanjay'.

DEPONENT

ATTESTED

NOTARY
DELHI (INDIA)

08 APR 2026

Ajitem
I identify the Deponent who has signed this affidavit in my presence.

2298

17



ajitesh garg <ajitesh219@gmail.com>

Appeal/46/2025 in the Matter of Sanjaya Kumar Mishra versus Ministry of Environment, Forest and Climate Change & Ors. | Reply on behalf of the Respondent No.3 (EQMS)

1 message

Ajitesh Garg <ajitesh219@gmail.com>

Wed, Apr 8, 2026 at 2:48 PM

To: sanjayakmishra@hotmail.com, Ajay Kumar Pandey <pandeylegal@gmail.com>, Adarsh Tripathi <adarsht912003@gmail.com>

Sir,

We represent Respondent No.3 in the subject matter. Please find herewith the Reply being filed on behalf of Respondent No.3 (EQMS). Please be in receipt of the same.

--

Ajitesh Garg | ADVOCATE**Delhi High Court & Supreme Court**

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