

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
I.A. NO. 710 OF 2025**

**IN**

**ORIGINAL APPLICATION NO. 549 OF 2025**

[Earlier O.A. No. 42 OF 2025(CZ)]

**DHEERAJ TIWARI**

**...APPLICANT**

**VERSUS**

**MINISTRY**

**OF**

**...RESPONDENTS**

**ENVIRONMENT, FOREST**

**AND CLIMATE CHANGE &**

**ORS.**

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**CHANGE & ORS.**

**SHORT REPLY ON BEHALF OF THE APPLICANT TO THE  
INTERIM APPLICATION FILED ON BEHALF OF THE  
RESPONDENT NO. 6 UNDER SECTION 18 OF THE  
NATIONAL GREEN TRIBUNAL ACT, 2010**

**MOST RESPECTFULLY SHOWETH:**

1. That the instant Original Application (“OA”) has been instituted to bring to the notice of this Hon’ble Tribunal the serious and continuing violations committed by Respondent No. 6, M/s Tethys Chem Private Limited (“**Respondent No.6**”). Pertinently, Respondent No.6 has been operating a coal tar distillation plant without obtaining the mandatory prior Environmental Clearance (“EC”) as required under the Environmental Impact Assessment (“EIA”) Notification, 2006, as amended on 25.06.2014.
2. That Respondent No. 6 has filed the instant Application, *inter alia*, seeking direction to the State Environmental Impact Assessment Authority (“SEIAA”) to insulate its decision-making process concerning the Environmental Clearance (“EC”) application from the gravity of the instant OA and restrain the Original Applicant from filing any further complaints to any authority pertaining to alleged environmental non-compliance or operational matters until the final adjudication of the instant OA.
3. At the very outset, it is submitted that the instant Application is not maintainable, either on facts or in law. None of the grounds specified under Section 18 of the National Green Tribunal Act, 1996 exist for making of this Application.

Further, the Application has not been affirmed properly and is liable to be dismissed on such ground itself.

4. That it is submitted that the prayers made in the instant Application, even if taken at face value, arise from an entirely distinct cause of action and cannot be agitated within the framework of the present proceedings. The question of whether an EC ought to be granted, and in what manner, is a matter exclusively within the domain of the statutory authorities, who are required to examine such proposals strictly in accordance with the prescribed rules, parameters, and notifications. This request is particularly egregious given that Respondent No. 6, having demonstrably operating the coal tar distillation plant in absolute violation and continuous breach of the law, now seeks to unjustly circumscribe the scrutiny of this Hon'ble Tribunal and restrain the Original Applicant from exercising their lawful right to report such blatant non-compliance to competent authorities.
5. Moreso, if Respondent No. 6 is aggrieved by any alleged inaction or delay on the part of any authority, an independent statutory remedy is available to it. Such grievance, however, cannot be converted into an interim request before this Hon'ble Tribunal in the instant OA which concerns the Respondent No.6's ongoing violations and not any purported inaction of the regulatory agency.
6. That the contents of the OA may be read as part and parcel of the instant reply and same is not repeated for the sake of brevity.
7. That it is imperative to delineate the factual chronology to unequivocally demonstrate the frivolous and untenable nature of the instant Interim Application. At the cost of repetition, it is submitted that Respondent No. 6 has been operating a coal tar distillation unit with a capacity of 36,000 MT per annum without obtaining prior EC from any competent authority. This fundamental illegality is not denied anywhere in the

Interim Application. Despite this admitted violation, Respondent No. 6 has not only continued its operations, but as reflected in the impugned CTO dated 23.08.2024 issued by Respondent No. 3 (“CECB”), the Respondent has undertaken substantial expansion and modernisation, all in clear breach of the mandatory requirement of prior EC under the EIA Notification, 2006.

8. Thereafter, Respondent No. 6 proceeded to apply for further expansion of its capacity, for which Terms of Reference (“ToR”) were subsequently issued on 09.12.2024. This sequence of events shows that Respondent No. 6 is seeking to build layer upon layer of expansion over an already unauthorised and non-compliant foundation, rendering the present application wholly frivolous and legally unsustainable.
9. The illegal operations of the Respondent No. 6, carried out under the renewed CTO dated 23.08.2024, cannot be retrospectively legitimized by the subsequent grant of an EC. The Respondent No. 6 was required to obtain an EC at the very inception of its coal tar processing/distillation operations in 2020, and again at every subsequent stage of expansion or modernization, culminating in the renewal of the CTO dated 23.08.2024. Its failure to do so renders the entire chain of operations and expansions unlawful.
10. It is further stated that the application for EC made for further expansion of production capacity from 36,000 MTA to 65,000 MTA is also incorrect since evidently the application for ToR seeking a proposed expansion was being made over and above the expansion which was already illegally granted to them by the Respondent No. 3. Therefore, the decision to grant ToR without public hearing for the Coal Tar Processing Unit of the Respondent No. 6 for production of Coal Tar Pitch from 36,000 TPA to 65,000 TPA, was based on fraudulent grounds.

11. That Respondent No. 6 in the garb of the directions in the instant application is seeking a legitimate endorsement for the illegitimate actions. It stands admitted on record that Respondent No. 6 has been manufacturing coal tar pitch through the coal-tar distillation process without obtaining the mandatory prior EC. Despite operating without prior EC, Respondent No. 6 has now approached the competent authority seeking further expansion of its capacity from 36,000 TPA to 65,000 TPA for manufacture of Coal Tar Pitch. This proposed expansion is wholly impermissible because the Respondent does not possess an EC even for its existing operations. In absence of a valid EC for the current capacity, seeking approval for an expanded capacity is itself contrary to the settled scheme of the EIA Notification, 2006.
12. In substance, what Respondent No. 6 seeks through the Interim Application, is a direction requiring the authorities to process and grant an EC in a manner that would regularise past illegalities. This is impermissible because the regime for *ex post facto* EC operates on an entirely different footing, with separate criteria and consequences. Respondent No. 6 cannot, by way of an interim order, compel the authorities to treat an illegal prior operation as if it were a lawful one, nor can it obtain judicial protection to secure what would effectively amount to a retrospective endorsement of its non-compliance.
13. The Interim Application is therefore an attempt to bypass the statutory mandate of “prior” EC and to convert this Hon’ble Tribunal into an instrument for validating an illegal commencement and expansion of operations. Such a prayer deserves outright rejection.
14. The other prayer advanced by Respondent No. 6, seeking an injunction restraining the Original Applicant from approaching or complaining to the statutory authorities regarding the grant of EC, is wholly untenable and unheard of in law. Such a prayer strikes at the very foundation of participatory environmental governance, which expressly

recognises the right of any affected or concerned individual to bring environmental irregularities to the notice of competent authorities.

15. It is a settled principle that no person can be enjoined from exercising a lawful right, particularly when such right relates to raising *bona fide* environmental concerns before the statutory bodies entrusted with regulatory oversight. Respondent No. 6 cannot, through an interim application, secure a blanket prohibition preventing the Original Applicant from engaging with the authorities on matters of public importance.
16. The relief sought therefore amounts to an attempt to silence legitimate environmental scrutiny, and if granted, would create a dangerous precedent by insulating an industry from accountability. Such a prayer deserves to be rejected at the threshold.
17. Therefore, it is most respectfully submitted that the prayers made in the Interim Application are wholly unfounded and unsustainable in law. Relief at the interim stage is governed by the well-recognised triad of prima facie case, irreparable harm, and balance of convenience. Respondent No. 6 fails on each of these essential tests.
18. That Respondent No. 6 has not demonstrated even a semblance of a prima facie case, as it is an admitted position that the unit has been operating without the mandatory prior EC. A party that has commenced and continued operations in breach of a statutory requirement cannot be permitted to claim equitable relief.
19. That Respondent No. 6 seeks to portray commercial inconvenience as irreparable loss. However, the unit handles coal tar and manufactures coal tar pitch, substances known for hazardous emissions and carcinogenic potential. The irreparable harm in the present matter is to the environment

and public health, not to the commercial interests of a defaulting industry.

20. That the balance of convenience squarely favours environmental protection. When an activity carries the risk of potentially irreversible harm, the Precautionary Principle mandates that all statutory safeguards, including prior EC, must be satisfied before commencement or continuation of operations.
21. In such circumstances, Respondent No. 6, having acted without bona fides and in disregard of mandatory legal requirements, is not entitled to any interim protection.
22. Save and except what are matters of record and what has been stated in the reply herein, allegations and/or statements made in various paragraphs and its sub-paragraphs under reference of the Application are denied and disputed as if the same are set out in seriatim and specifically traversed.
23. With reference to statements made in paragraph 1 of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed.
24. With reference to statements made in paragraph 2 of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the Respondent No. 6 is a legitimate industrial entity and has taken any proactive steps to ensure compliance with environmental regulations. It is denied that the Respondent No. 6 is seeking to highlight any crucial fact that requires urgent intervention from this Hon'ble Tribunal or that any undue harassment and prejudice is being caused to its ongoing operations and business interests.
25. With reference to statements made in paragraph 3 of the Application, save and except for those matters of record, any

other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the Respondent No. 6 was established with valid consent prior to enforcement of EIA Notification 2006. It is further denied that the Respondent No. 3 has made any clarification with respect to the unit of the Respondent No. 6 from being exempted from Environmental Clearance until enhancement in the production capacity. The Original Applicant states that the CTO granted to the Respondent No. 6 on 22 July 2020 specifically provided that the Respondent No. 6 shall not process/distil coal tar pitch until obtaining the Environmental Clearance as per the EIA, Notification 2006 as amended till date. Furthermore, even considering that previously a CTO had been granted to S S Udyog, the Original Applicant humbly states that the renewed CTO dated 12.01.2017 granted to SS Udyog, as brought on record by the Original Applicant clearly states that the production capacity for Refine Napthalene Balls, Light furnace oil, Heavy furnace oil (Solven Naptha), Super creosote fuels (Coal Tar), Black Paint Organic Chemicals shall be 2300 M.T./Year and the industry could not increase production more than the capacity mentioned in the consent letter & shall not initiate any action regarding expansion without obtaining prior consent of the board.

26. With reference to statements made in paragraph 4 (a) and (b) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed.
27. With reference to statements made in paragraph 4 (c) and 4 (d) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that that the original application filed by the Original Applicant herein against the actions of the Respondent No. 6 is frivolous and vexatious.

28. With reference to statements made in paragraph 4 (e) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is most respectfully submitted that the reliance placed by Respondent No. 6 on the order passed in IA 59/2025 in OA 274/2024 is completely misplaced. The said order is distinguishable on facts. In the present case, as set out in the preceding paragraphs, Respondent No. 6 has been operating a coal tar distillation plant without any prior EC, has undertaken expansion in violation of law, and is now seeking further expansion despite continuing non-compliance. Therefore, Respondent No. 6 cannot draw any benefit from the earlier order in a different case, when they have failed to satisfy this Hon'ble Tribunal that they deserve the benefit of such interim order.
29. With reference to statements made in paragraph 4 (f) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the Original Applicant is trying to impede or unfairly delay any statutory process of EC deliberation by the SEIAA/SEAC i.e., Respondent No. 5 and Respondent No. 7 and the Respondent No. 3. The Original Applicant states that by way of the original application the Original Applicant has highlighted the instances of blatant violations of statutory provisions being perpetrated by the Respondent No. 6 in connivance with the respondent authorities. The Original Applicant as a responsible citizen being aggrieved and harmed by the pollution being caused to the environment due to the actions on the part of the Respondent No. 6 has approached this Hon'ble Tribunal for grant of appropriate reliefs in order to safeguards the lives of persons, flora and fauna around the unit of the Respondent No. 6 and surrounding areas.

30. With reference to statements made in paragraph 5 (g) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the Original Applicant has used the present application as a leverage while filing any complaint before any authority. It is denied that the Original Applicant is deliberately communicating or pressurizing any authority in any manner whatsoever. It is denied that the Original Applicant is approaching any supplier or purchaser of the Respondent No. 6 post the filing of the original application. It is denied that the Original Applicant has requested any supplier or purchaser of the Respondent No. 6 to cease any business relationship post the filing of the original application. It is further denied that the conduct of the Original Applicant is aimed at disrupting the business operations of the Respondent No. 6. The Original Applicant states that the complaints made to the authorities were prior to filing of the present Original Application in order to bring to their notice the blatant violations being committed by the Respondent No. 6. The Respondent No. 6 is put to strict proof to produce any letter sent by the Original Applicant leveraging the Original Application filed by him before this Hon'ble Tribunal.
31. With reference to statements made in paragraph 5 (h) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the actions of the Original Applicant have been undertaken in connivance with any competitor aiming to cause any harm to the Respondent No. 6. It is denied that the objective of the Original Applicant behind filing the instant original application was to delay the deliberations pertaining to the grant of EC by SEIAA/SEAC i.e., the Respondent No. 5 and Respondent No. 7 to the Respondent No. 6. The Original Applicant states that the instant original application

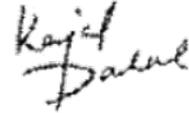
has been filed to bring to the notice of the Hon'ble Tribunal of the widespread harm and injury being caused to the environment by the actions of the Respondent No. 6. The Original Applicant as an aggrieved person has only brought into light before this Hon'ble Tribunal, the blatant violations of environmental laws being committed by the Respondent No. 6.

32. With reference to statements made in paragraph 6 (j) and (k) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed.
33. With reference to statements made in paragraph 6 (l) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the actions of the Original Applicant mirror any kind of concern with respect to any malafide litigation or locus standi. It is denied that the instant application indicates any potential misuse of the judicial process or to settle any business scores or cause any collateral damage. The Original Applicant reiterates that the instant original application highlights and brings into light the widespread environmental damage and blatant violation of statutory provisions being committed by the Respondent No. 6. The Original Applicant as an aggrieved person has approached this Hon'ble Tribunal seeking the injury and harm being caused to him and others by the actions of the Respondent No. 6.
34. With reference to statements made in paragraph 7 (m), (n) and (o) of the Application, save what are matters of records, any other allegations and/or statements made are denied and disputed as if the same are set out in seriatim and specifically traversed. It is denied that the Original Applicant has in any manner harassed the Respondent No. 6. It is denied that any action of the Original Applicant needs to be stopped/halted to ensure a fair and unhinged legal process. The Original

Applicant states that he has approached this Hon'ble Tribunal owing to the injury being caused to him and has highlighted the violations being committed by the Respondent No. 6 on the basis of documents available in the public domain.

35. The Original Applicant states that the application of the Respondent No. 6 is vague, ambiguous, devoid of any factual basis and merit and conceals the correct facts and scenario. The Original Applicant humbly and respectfully submits that the interim application filed by Respondent No.6 be dismissed in limine with costs as the same is completely without any merit or substance.

Filed by



**KAJAL DALAL**  
**[Advocate for the Applicant]**

BEFORE THE HONORABLE CENTRAL ENVIRONMENTAL TRIBUNAL

CEN  
I.A.

ORIGINAL APPLICATION (O.A.) NO. 549 OF 2025

APPLICANT: Dheeraj Tiwari S/o Lal Pratap Tiwari

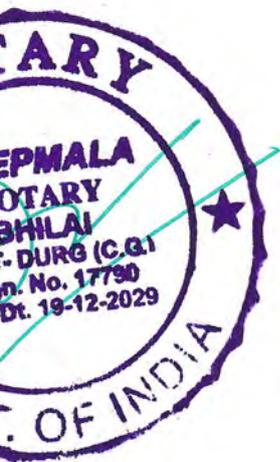
VERSUS

RESPONDENTS: Ministry of Environment Forest and Climate Change & Ors.

AFFIDAVIT

I, Dheeraj Tiwari, S/o Sh. Lal Pratap Tiwari, aged about 35 years, resident of Hathkoj, Housing Board, Bhilai, Tehsil – Charoda, Zila – Durg, Chhattisgarh do hereby solemnly affirm, and state as follows:

1. That I am the Applicant in the instant Application and am fully conversant with the facts of the case, and competent to swear this affidavit.
2. That the accompanying application has been drafted on my instructions, and I have read and understood its contents.
3. That the contents of the attached application and its annexures are true and correct, based on my knowledge, information, belief.
4. That no part thereof is false and nothing material has been concealed therefrom.
5. That the present affidavit is of the same or subsequent date of the drafting of the application.



NOV 2025

21 NOV 2025

6. That the Annexure(s) attached herewith are true copies of the originals thereof.

*[Handwritten Signature]*

DEPONENT

**VERIFICATION**

I, the abovenamed Deponent above named, do hereby state on solemn affirmation that the contents of Para Nos. 1 to \_\_\_\_\_ herein above are true and correct to my own knowledge, and that nothing material has been concealed there from.

Verified at Bhilai on this 21st day of November, 2025.

*[Handwritten Signature]*

DEPONENT



21 NC

*[Handwritten signature]*

Deponent & His Signature  
Identify by Witness

संज्ञक शापथकर्ता जिनका नाम / पिता का नाम व पता उपरोक्तानुसार है व मेरे समक्ष शापथ लिया जिसे पहचानकर्ता / गवाह ने पहचान लिया जिनके हस्ताक्षर तलमन दिनांक 21 NOV 2025 को हस्ताक्षर किया।

दीपमाला

संज्ञक शापथकर्ता जिनका नाम / पिता का नाम व पता उपरोक्तानुसार है व मेरे समक्ष शापथ लिया जिसे पहचानकर्ता / गवाह ने पहचान लिया जिनके हस्ताक्षर तलमन दिनांक 21 NOV 2025 को हस्ताक्षर किया।

21 NOV 2025