

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 531/2025**

IN THE MATTER OF:

M/S. DIVYA WASTE MANAGEMENT COMPANY ... APPLICANT
VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

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FILED BY:



**SAURABH RAJPAL
ADVOCATE FOR THE RESPONDENT NO.5
D-206 2ND FLOOR LAJPAT NAGAR -I
PH.NO.9971792885
NEW DELHI-110024**

**NEW DELHI
DATE:25.02.2026**

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...RESPONDENTS

**SHORT REPLY ON BEHALF OF RESPONDENT NO.5- M/S.
WASTE WAVE SOLUTIONS PRIVATE LIMITED TO THE
ORIGINAL APPLICATION NO. 531 OF 2025 FILED BY
APPLICANT M/S. DIVYA WASTE MANAGEMENT COMPANY**

Most respectfully showeth:

1. That the Respondent No. 5- M/s. Waste Wave Solutions Private Limited is engaged in the business of treatment the Bio-medical waste.
2. That the captioned Original Application has been filed by the M/s. Divya Waste Management Company through the counsel *inter alia* alleging that the Respondent no.5/ M/s. Waste Wave Solutions Private Limited had submitted the TORs on 04.09.2025 even before advertisement issued by the Haryana Pollution Control Board on 20.09.2025.
3. That the Applicant has made very limited allegation to the extent that Respondent no.5/ M/s. Waste Wave Solutions Private Limited had submitted the TOR even before advertisement issued by the Haryana Pollution Control Board. That the prayer made against the answering respondent is as under:

9(f) Direct the Respondent No.03 to carry out the detailed enquiry against the Respondent No.5 & 6 on the proposals submitted to MoEF CC prior to issue of public notice.

PRELIMINARY SUBMISSION:

4. At the outset, Respondent No. 5 respectfully submits that the present Original Application is wholly premature, misconceived and not maintainable in law. It is an admitted position that Respondent No. 5 has neither established any Common Bio-Medical Waste Treatment Facility (CBWTF) nor commenced any construction or operational activity. No Environmental Clearance, Consent to Establish, or Consent to Operate has been granted in favour of Respondent No. 5. The only step undertaken by Respondent No. 5 is the filing of an application seeking Terms of Reference (ToR), which is merely an initial stage in the statutory appraisal process. An application for ToR does not confer any approval, right, or operational liberty and cannot, by itself, result in any environmental consequence. In absence of any final approval or activity, the present proceedings are based entirely on speculation and apprehension and are therefore liable to be dismissed at the threshold.
5. It is further submitted that the jurisdiction of this Hon'ble Tribunal under Section 14 of the National Green Tribunal Act, 2010 arises only when a substantial question relating to environment is involved and when such question arises out of implementation of the enactments specified in Schedule I. In the present case, no environmental damage has been caused, no pollution has occurred, and no environmental degradation has been demonstrated against Respondent No. 5. The Applicant has failed to disclose any existing

or imminent environmental harm attributable to Respondent No. 5. The grievance raised is essentially commercial in nature and pertains to perceived competition rather than environmental injury. In the absence of any demonstrated environmental harm, the present Original Application is not maintainable under Sections 14, 15 and 18 of the Act.

6. It is submitted that the answering Respondent is engaged in the lawful business of bio-medical waste management and its directors are experienced operators in the sector, including operations in the Gurgaon region. Being an industry participant, Respondent No. 5 continuously monitors regulatory developments, service radius norms, installed capacities of existing CBWTFs, and geographical coverage patterns. It came to the knowledge of Respondent No. 5 through publicly available information and regulatory discourse that a gap analysis exercise was being undertaken by the Pollution Control Board. As part of its independent commercial assessment, Respondent No. 5 evaluated the geographical positioning of existing CBWTFs and the applicability of the 75 km service radius norm under the Bio-Medical Waste Management Rules, 2016 and the CPCB Guidelines.
7. It is submitted that upon such assessment, it was observed that certain areas, including parts of Sonipat district, were either located beyond the prescribed 75 km radius of existing facilities or were being serviced through long-distance transportation. It was further noticed from the Annual Reports and data uploaded on the official websites of the Haryana State Pollution Control Board and the Central Pollution Control Board that the Applicant herein has substantially exhausted or strained its installed capacity. The same public records also indicate that the Applicant is catering to

healthcare facilities situated beyond the prescribed 75 km radius, which is contrary to the spirit and mandate of the revised CPCB Guidelines.

8. It is submitted that the data further reflects that the quantity of biomedical waste being collected and handled by the Applicant exceeds or significantly burdens its sanctioned installed capacity. Collection and treatment of biomedical waste beyond permitted capacity is in violation of the Bio-Medical Waste Management Rules, 2016 and CPCB Guidelines. Such excessive collection inevitably leads to increased storage duration, operational strain, long-distance transportation, heightened vehicular emissions, and serious environmental and public health risks. Biomedical waste, if not treated strictly in accordance with prescribed standards and within authorized limits, poses grave environmental hazards including air pollution, soil contamination, groundwater impact and risk of infection spread.
9. These factual aspects, available in the public domain, formed the basis of the independent business decision taken by Respondent No. 5 to apply for Terms of Reference for establishment of a CBWTF in Sonipat. The decision was taken at its own commercial risk and in alignment with environmental considerations, with the objective of reducing transportation distances, ensuring compliance with the 75 km norm, minimizing vehicular emissions and strengthening localized treatment infrastructure for healthcare facilities not being optimally serviced. The application was made transparently through the statutory Parivesh Portal in accordance with law. A business entity cannot be faulted for identifying regulatory gaps and making a lawful application within the statutory framework.

10. It is further submitted that the continued operation of the Applicant beyond the prescribed 75 km radius and beyond installed capacity is well within the knowledge of the Haryana State Pollution Control Board. Despite such apparent deviations, effective corrective measures have not been taken. The circumstances give rise to a serious concern that the present Original Application is not motivated by environmental protection but is an attempt to preserve market dominance and prevent lawful entry of new operators. The premature filing of the present Application, at a stage when Respondent No. 5 has neither established any plant nor has obtained any clearance, demonstrates an attempt to stall statutory processes and create entry barriers for new participants in the sector.
11. It is submitted that the Applicant has no vested or exclusive right over any district or geographical area. The regulatory framework does not create territorial monopolies in favour of existing operators. The apprehension that a proposed facility may affect business viability does not constitute a cause of action under environmental law. The present proceedings are therefore an abuse of the process of this Hon'ble Tribunal and are being used as a tool to stifle competition under the garb of environmental litigation.
12. In these circumstances, it is respectfully submitted that the present Original Application is premature, devoid of merit, unsupported by any demonstrable environmental harm, and liable to be dismissed. Respondent No. 5 has acted strictly within the bounds of law, has not commenced any activity, has not violated any environmental norm, and has only exercised its statutory right to seek appraisal through an application for Terms of Reference. The attempt to restrain Respondent No. 5 even from participating in the statutory process reflects mala fide intent and deserves to be rejected.

13. That, in view of the above facts and circumstances of the case, the present Original Application deserves to be dismissed with appropriate observations.
14. That the answering Respondent further reserve its right to file additional reply as and when required by this Hon'ble Tribunal.
15. That the supporting Affidavit is being filed along with this Reply.

FILED BY:



**SAURABH RAJPAL
ADVOCATE FOR THE RESPONDENT NO.5
D-206 2ND FLOOR LAJPAT NAGAR -I
PH.NO.9971792885
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VERSUS

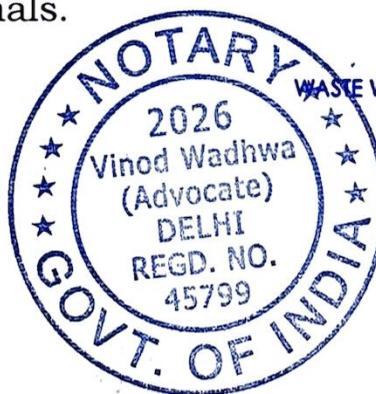
UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Rahul Kumar, S/o Shri. Charan Singh, Aged About 39 Years, R/o. WZ 2365 Third Floor Raja Park Delhi-110034 Authorized Representative of the Respondent Company. do hereby solemnly affirm and declare as under:

1. That I am the Respondent No. 5 in the instant Matter and I am well conversant with the facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying reply have been drafted under my instructions, which I have read and understood. I further state that the averments made therein are true and correct to my knowledge and belief.
3. That the Annexures filed along with the reply are true copy of their respective originals.



WASTE WAVE SOLUTIONS PRIVATE LIMITED

Rahul
AUTH. SIGN.

DEPONENT**VERIFICATION**

Verified at New Delhi on this 23rd day of February 2026 that the contents of my aforesaid affidavit are true and correct to my knowledge and belief. No part of it is false nor anything material has been concealed therefrom.

[Signature]
I have identified the person
who has signed before me.

ATTESTED

WASTE WAVE SOLUTIONS PRIVATE LIMITED

[Signature]
Notary Public Delhi

Rahul
AUTH. SIGN.

DEPONENT

My Commission Expires 05/03/2030

23 FEB 2026

Advance Service Short Reply in OA No. 530 of 2025 and OA No. 531 of 2025

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1 message

Saurabh <saurabhrajpal.sc.aor@gmail.com>
To: lohit.bimal@anilbimal.com

Wed, Feb 25, 2026 at 12:43 PM

Sir/Madam,

Please find the copy of the Short reply attached below, filed in the above subject matter on behalf of the respondent no. 5 as advance proof of service.

Thanking you.

Yours sincerely,

Saurabh Rajpal
Counsel for the Respondent No.5

2 attachments

 **Reply Haat Supreme.pdf**
1436K

 **Reply to Divya.pdf**
1456K