

347

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**O. A. No. 531 OF 2025**

**IN THE MATTER OF**

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

Versus

**MOEF & CC & ORS**

**...RESPONDENTS**

**SHORT REPLY ON BEHALF OF RESPONDENT NO. 6 I.E.  
M/S BASIL LEAFWASTE MANAGEMENT LLP**

**FOR INDEX:- Kindly See Inside**

**New Delhi  
Dated: 19.05.2026**

**Filed BY**

*Shanvi*  
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INDEX

<u>S. No.</u>	<u>Particulars</u>	<u>Pages</u>
1.	SHORT REPLY ON BEHALF OF RESPONDENT NO. 6 I.E. M/S BASIL LEAF WASTE MANAGEMENT LLP WITH AFFIDAVIT	1-13

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**SHORT REPLY ON BEHALF OF RESPONDENT NO. 6 I.E.  
M/S BASIL LEAFWASTE MANAGEMENT LLP**

**THE HUMBLE REJOINDER ON BEHALF OF RESPONDENT  
NO. 6 MOST RESPECTFULLY SHOWETH:**

1. That the present Reply is being filed on behalf of Respondent No. 6 i.e. M/s Basil Leaf Waste Management LLP, in response to the Original Application preferred by the Applicant under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010.
2. At the outset, the Answering Respondent respectfully submits that the present Original Application, insofar as it concerns Respondent No. 6, is wholly misconceived, premature, speculative, devoid of any cause of action and liable to be dismissed at the threshold.
3. That the Applicant has sought to create an impression as if the mere filing of an application for Terms of Reference (ToR)

by Respondent No. 6 prior to issuance of the impugned public notice dated 20.09.2025 constitutes illegality, collusion or environmental wrongdoing. The said allegation is baseless, and contrary to the statutory framework governing environmental appraisal.

4. That it is submitted that Respondent No. 6 has neither established any Common Bio-Medical Waste Treatment Facility (CBWTF), nor commenced any construction activity, nor undertaken any operational activity whatsoever. No Environmental Clearance, Consent to Establish, Consent to Operate or Authorization under the Bio-Medical Waste Management Rules, 2016 has been granted in favour of Respondent No. 6.
5. That the only step undertaken by Respondent No. 6 is the filing of an application seeking Terms of Reference (ToR) through the statutory PARIVESH portal in accordance with applicable procedure. The filing of a ToR application is merely an initial stage of regulatory appraisal and does not confer any right, approval or permission to establish or operate any facility.
6. That it is respectfully submitted that an application for ToR, by itself, cannot result in any environmental consequence, pollution, degradation or ecological impact. In absence of any construction, establishment, operation or approval, the

present proceedings against Respondent No. 6 are entirely based upon conjectures and apprehensions.

7. That it is further submitted that the jurisdiction of this Hon'ble Tribunal under Section 14 of the National Green Tribunal Act, 2010 can be invoked only where a substantial question relating to environment arises out of implementation of the enactments specified in Schedule I. In the present case, no environmental harm whatsoever has been demonstrated against Respondent No. 6. However, the Applicant has failed to disclose any pollution, any environmental damage attributable to Respondent No. 6, or any violation of environmental norms by Respondent No. 6, in the present original application.
8. That the allegations against Respondent No. 6 are confined merely to the filing of a ToR application prior to the issuance of the public notice. Such filing is neither prohibited under law nor capable of constituting environmental illegality. The Applicant has attempted to portray the filing of the ToR application as evidence of alleged prior knowledge and collusion. The said allegation is categorically denied.
9. That it is submitted that Respondent No. 6 and its technical associates are experienced participants in the biomedical waste management sector and have long-standing involvement in activities relating to collection, transportation, treatment and disposal of biomedical waste. As industry

stakeholders, Respondent No. 6 and its associates continuously monitor regulatory developments, sectoral trends, geographical coverage patterns, installed capacities, statutory disclosures and policy decisions issued by regulatory authorities from time to time. Such monitoring forms part of ordinary commercial due diligence and business assessment undertaken by entities operating within a highly regulated environmental sector.

- 10.** That it came to the knowledge of Respondent No. 6 through publicly available information, industry interactions, and ongoing assessment exercises that the Haryana State Pollution Control Board was undertaking review and assessment with respect to biomedical waste management infrastructure, existing coverage areas, treatment capacities and future requirements in various districts of the State. Such awareness was neither confidential nor exclusive in nature, but was part of a broader regulatory exercise which was being discussed within the industry owing to ongoing compliance reviews and capacity assessment of existing facilities.
- 11.** It is respectfully submitted that technical operators and other stakeholders in the biomedical waste sector were aware that the authorities were reviewing existing facilities, their capacities, coverage areas and operational requirements as part of ongoing regulatory and inspection processes. Such awareness arose during normal industry interactions and regulatory activities and not due to any confidential

information or collusion. Therefore, the Applicant's allegation that such awareness indicates collusion is incorrect and without basis.

- 12.** It is further submitted that Respondent No. had independently explored the possibility of establishing a CBWTF in the Nuh region even prior to the impugned notice and had been evaluating the viability of the said region in light of geographical considerations, transportation distances, biomedical waste generation trends, accessibility issues and treatment requirements. The Nuh region had been under consideration from a commercial and operational perspective much prior to the filing of the present proceedings, particularly because several healthcare establishments in surrounding areas were required to depend upon transportation over long distances for treatment and disposal of biomedical waste. The proposal of Respondent No. 6 therefore emerged from an independent assessment and long-term business interest in the region rather than from any alleged prior arrangement or collusive conduct.
- 13.** That the Answering Respondent respectfully submits that the Bio-Medical Waste Management Rules, 2016 and CPCB Guidelines do not prohibit any proponent from applying for environmental appraisal or Terms of Reference. The Applicant has sought to infer collusion solely from the sequence of dates. Such inference is legally unsustainable and unsupported by any documentary material. Furthermore,

mere suspicion or apprehension cannot form the basis of environmental litigation.

- 14.** It is further submitted that the Central Pollution Control Board (CPCB), in its Reply filed before this Hon'ble Tribunal, has nowhere alleged any wrongdoing, collusion or illegality on the part of Respondent No. 6. However, CPCB has also stated before this Hon'ble Tribunal that it has received the gap analysis report from the Haryana State Pollution Control Board on 14.11.2025.
- 15.** That in view of the above, the Applicant's allegation that no gap analysis existed at all stands substantially stands to be false and the present proceedings appear to be founded upon assumptions rather than established facts.
- 16.** That it is respectfully submitted that the Applicant has no monopolistic rights over any district or geographical area or merely because it has been operating an existing CBWTF. The regulatory framework governing biomedical waste management is intended to ensure environmentally sound management, operational efficiency, and adequate treatment capacity in the interest of public health and environmental protection. The applicable rules and guidelines do not create territorial monopolies in favour of existing operators nor do they prohibit statutory authorities from considering additional facilities wherever required in accordance with law. Also, the regulatory framework under the BMW Rules, 2016 and CPCB

Guidelines does not create any territorial exclusivity in favour of existing operators.

- 17.** The present Original Application, though styled as environmental litigation, is in substance an attempt to preserve market dominance and prevent lawful participation of new entities in the biomedical waste management sector. The pleadings of the Applicant reveal that the principal concern of the Applicant is not any demonstrated environmental damage, but rather the perceived impact upon its existing business operations and commercial interests. Environmental jurisdiction cannot be invoked to create artificial entry barriers or to shield existing operators from lawful competition under the guise of environmental protection.
- 18.** It is further humbly submitted that the establishment of any future CBWTF, if at all permitted in favour of Respondent No. 6, would remain subject to several stages of statutory scrutiny, environmental appraisal and regulatory compliance. Mere filing of an application for Terms of Reference does not grant any approval or permission to establish or operate a facility. Any such project can proceed only after obtaining Environmental Clearance, Consent to Establish, Consent to Operate and Authorization under the Bio-Medical Waste Management Rules, 2016, besides ensuring strict compliance with CPCB Guidelines, environmental norms and all safeguards prescribed under applicable environmental laws.

- 19.** That therefore, the apprehension by the Applicant is premature and speculative. It is respectfully submitted that the Applicant itself has admitted in the Original Application that the statutory authorities are yet to undertake further regulatory processes and approvals. In such circumstances, the attempt to restrain Respondent No. 6 even from participating in the statutory appraisal process is arbitrary, contrary to law and violative of principles of fairness and equal opportunity.
- 20.** That the present proceedings therefore constitute an abuse of the process of this Hon'ble Tribunal.
- 21.** Without prejudice to the above submissions, it is submitted that Respondent No. 6 shall abide by all statutory requirements, environmental safeguards and directions issued by the competent authorities and this Hon'ble Tribunal.
- 22.** That the Answering Respondent reserves its right to file additional documents and submissions, if required.
- 23.** That in view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to dismiss the present Original Application qua Respondent No. 6 as being premature, misconceived and devoid of merit.

AND FOR THIS ACT OF KINDNESS, THE RESPONDENT NO. 6  
SHALL AS IN DUTY BOUND EVER PRAY.

New Delhi

Dated: .05.2026

Filed By:

*Shamir* *Mansi*  
S.A ZAIDI & MANSI CHAHAL  
Advocates for Respondent No. 6

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....RESPONDENTS

AFFIDAVIT

I, Mihir Aggarwal, Partner in M/s Basil Leaf Waste Management LLP (Regd. Add of A-10, Ansal Gold Sohna Road, Gurugram, (Gurgaon), Haryana, presently at Delhi do here by solemnly affirm and declare as under:-

1. That I am the Respondent No. 6 in the above noted application therefore I am fully conversant with the fact of the case I am competent to sign and swear this Affidavit.
2. That the accompanying reply has been drafted by my counsel and the same has been read over and explain to me and I say and declare that the same are true and correct.



3. That the content of accompanying reply be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

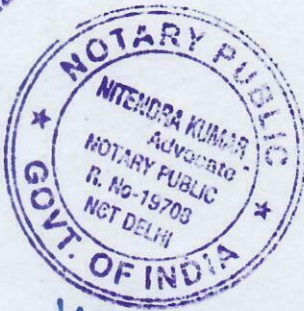
*aful*  
DEPONENT

**VERIFICATION**

19 MAY 2026

Verified at Delhi on this \_\_\_\_\_ day of May 2026 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.

I Identified the deponent who has signed by my presence



14

**CERTIFIED THAT DEPONENT**

Sh./Ms..... Age.....  
 S/o, W/o, D/o .....  
 R/o.....  
 Identified by .....  
 has solemnly sworn at Delhi  
 On.....  
 contents .....  
 & explained .....  
 his/her .....  
 NITENDRA KUMAR, NOTARY PUBLIC  
 Govt. of India, DELHI

*aful*  
DEPONENT