

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 245 OF 2021**

**IN THE MATTER OF:**

Vineet Sinha

...Applicant

VERSUS

Union of India & Ors.

...Respondents

Next Date of Hearing on: 05.08.2022

**INDEX**

S.No.	Particulars	Page No.
1.	Sur-rejoinder on behalf of Respondent No. 6, M/s Express Builder and Promoters Pvt. Ltd. along with affidavit to Submissions on behalf of Applicant to Joint Inspection Report dated 19.02.2022 submitted by UPPCB, CPCB and SEIAA and Report dated 02.05.2022 submitted by NOIDA and Rejoinder on behalf of Applicant of the Reply and Objections of Respondent No. 6.	2-30
2.	Proof of Service	31

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**DATE: 02.08.2022**

**PLACE: NEW DELHI**

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
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ORIGINAL APPLICATION NO. 245 OF 2021**

**IN THE MATTER OF:**

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**SUR-REJOINDER ON BEHALF OF RESPONDENT NO. 6, M/S EXPRESS BUILDER AND PROMOTERS PVT. LTD. TO SUBMISSIONS ON BEHALF OF APPLICANT TO JOINT INSPECTION REPORT DATED 19.02.2022 SUBMITTED BY UPPCB, CPCB AND SEIAA AND REPORT DATED 02.05.2022 SUBMITTED BY NOIDA AND REJOINDER ON BEHALF OF APPLICANT OF THE REPLY AND OBJECTIONS OF RESPONDENT NO. 6.**

**Most Respectfully Showeth:**

1.The present Sur- rejoinder is being filed on behalf of Respondent No. 6, Express Builders and Promoters Pvt. Ltd. in Original Application No. 245 of 2021. The Original Application (OA) is filed against the alleged violation of Environment Clearance (EC) dated 19.09.2011. It further alleges that the Answering Respondent No. 6 has exceeded the limit of construction with the connivance of NOIDA Authority and failed to set up pollution control devices. This

Hon'ble Tribunal was pleased to consider the case on 18.10.2021 and was of the view that the facts of the instant OA require verification, in furtherance whereof a Joint Committee comprising of Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB), State Environment Impact Assessment Authority (SEIAA) and NOIDA was constituted. The Hon'ble Tribunal further directed the Joint Committee to ascertain how NOIDA has given permission to raise construction in excess of the construction permitted under the EC. The Joint Committee was further directed to serve a copy of the Joint Committee Report to the Answering Respondent.

2. In compliance with the Order dated 18.10.2021, the Joint Committee conducted a Site Inspection on 01.02.2022 and subsequently submitted its Report dated 19.02.2022 before this Hon'ble Tribunal on 21.02.2022.
3. In the meanwhile, the Applicant submitted I.A. No. 195 of 2021 on 28.10.2021 for ad interim exparte stay against alleged construction activities being undertaken by Answering Respondent.

4. Subsequently, the Applicant with an intent to introduce a completely new, novel issue without any environmental question filed another I.A. No. 77 of 2022 on 12.03.2022 seeking impleadment of one "Express Builders Ltd." which is a separate legal entity and has no involvement whatsoever in the management of the project in question.
5. The Answering Respondent filed its Reply Affidavit in response to OA and objections to the Joint Committee Report dated 19.02.2022 before this Hon'ble Tribunal on 28.03.2022.
6. The Applicant has yet again filed its submissions on 27.06.2022 with the sole intent of misleading and misguiding this Hon'ble Tribunal with the intent of black mailing and pestering the Answering Respondent to fulfill his personal vindictive intent. The Applicant has raised new issues which have no relevance to the present OA and which are not even pertaining to environment.
7. The present sur-rejoinder is filed in response to the submissions filed by the Applicant. At the outset, the contents of the submissions/ rejoinder filed by the Applicant are denied in totality as the Applicant has again made unrelated and vague allegations without any basis in fact or

law. The Answering Respondent has not responded to the allegations, contentions or statement set out in the submissions/ rejoinder, in this sur-rejoinder and nothing contained in the Application ought to be admitted by the Hon'ble Tribunal merely on the ground of non-traverse. The Answering Respondent seeks liberty of this Hon'ble Tribunal to file additional submissions and/ or response as may be deemed necessary, at a later stage.

8. The Rejoinder filed by the Applicant is yet another attempt to raise completely new issues which are not even remotely related to the environment and which are raised with the sole intent of misguiding and misleading this Hon'ble Tribunal. The Applicant had failed to establish any guilt upon the Answering Respondent and his attempt to create confusion for misleading this Hon'ble Tribunal has miserably failed again.

9. The Applicant had earlier filed the present OA alleging violations of conditions of the EC by the Answering Respondent. However, subsequently, the Applicant completely changed his stance and alleged that the EC was granted in favour of a company other than Answering Respondent. The conduct of the Applicant shows that he is

driven solely with mala fide against the Answering Respondent and without any regard to the environment.

**Para-wise response to submissions by the Applicant**

10. The contents of Para 1-2 are denied as wrong, false and devoid of any merit. In this regard the contents of para 67-70 of the Reply dated 28.03.2022 filed by the Answering Respondent are being reiterated herein but not reproduced for the sake of brevity. The incorrect presentation of facts by the Applicant must be strictly reprimanded by this Hon'ble Tribunal. There is no legal entity in the name of Express Builders Pvt. Ltd. since 1992 and the environment clearance was granted on the basis of the sanction plan and Fire NOC granted in favour of Answering Respondent and which were submitted as part of Form I for grant of EC. All the essential documents reflect that the project is under control and management of Answering Respondent and "Express Builders Ltd." has no role in the operation and management of the project in question. The bare perusal of all the prerequisite documents for application of EC clearly established that the name mentioned in the EC is just an inadvertent error and no illegality / environmental harm has resulted out of it. So

much so, documents such as CTE and CTO obtained were also in favour of "Express Builder and Promoters Pvt. Ltd."

Further, a bare perusal of the Application dated 28.08.2018 submitted by the Answering Respondent to the SEIAA for extension of validity of EC shows that the Answering Respondent has never misrepresented or misguided the Authorities with regard to the control and management of the project in question.

The Answering Respondent has already applied for rectification of the name in EC and the same is under consideration before SEIAA.

The introduction of such an unsubstantial issue is just another attempt by the Applicant to further elongate the instant proceedings, as the Applicant realized that no substantial question relating to the environment survives in the present OA.

The Applicant has deliberately chosen to mention just the name which appears automatically online on Form I and has withheld the fact that at the Form I submitted by the Answering Respondent, has been signed by Director, Express Builders & Promoters Pvt. Ltd. This is yet another attempt by the Applicant to mislead this Hon'ble Tribunal. (Please see pages 112 and 126 of the OA)

The Applicant has failed to establish any environmental harm which may occur on account of such inadvertent error.

11. The contents of para 3-6 are denied as wrong, false and devoid of any merit. The Applicant has yet again raised unsubstantiated and vague allegations without any sound legal ground. The contents of para 25-44 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein but not repeated for sake of brevity. It is submitted that the Answering Respondent had first obtained Sanctioned Site Plan dated 26.06.2011 (Annexure R/4 at pg 285) which granted permission for construction in a built-up area of 94477.578 sq. mt.

Subsequently, the EC dated 19.09.2011 allowed the construction of the instant project having a built-up area of 94477.578 sq mt. having 804 dwelling units.

The Answering Respondent till date has constructed only 715 dwelling unit which is within the limits prescribed in the EC. In the meanwhile, the Answering Respondent received a revised sanction plan dated 15.11.2017 which allowed construction having built-up area of 113922.210 sq. mt. and 835 dwelling units. However, since the Answering Respondent has not yet received EC allowing expansion of

project, it has not undertaken the construction of the remaining area. Thus, there is no violation of EC conditions and the pollution load of the project has not increased. Further, no construction has been carried out since 2018. Further, the allegation that the Answering Respondent did not have permission to construct a community center including a swimming pool, gym and club hall/ party hall is misplaced and an attempt to mislead this Hon'ble Tribunal. The Answering Respondent applied for EC dated 19.09.2011 on the basis of the Sanctioned Site Plan dated 26.07.2011 which had provision for the community center and the same has been deliberated by the SEIAA before grant of EC dated 19.09.2011.

**Reply to submissions regarding Joint Inspection Report dated 19.02.2022 of CPCB, UPPCB and SEIAA**

12.The contents of para 7 are denied as wrong, false and devoid of any merits. The Applicant has placed reliance on the findings of the Joint Committee which was made without consideration to the views of NOIDA which is the nodal agency responsible for sanctioning the plans of the Answering Respondent. The key observations of the Joint Committee have been stated below-

- (i) As per EC, the Answering Respondent had permissions to construct 804 dwelling units while the Answering Respondent has only constructed 715 units. Hence, no violation on this count.
- (ii) The EC prescribes 928 parking spaces, while the Answering Respondent has a provision for 746 which is also within the limit prescribed by the EC. Hence, no violation on this count.
- (iii) The EC directs the construction of 5 rainwater harvesting pits, while the Answering Respondent has constructed 4 out of the 5 and will construct the last one at the time of construction of the last tower, as per original plan. The Joint Committee collected the samples collected from the pits for analysis and found it to be in conformity with the standards. Hence, no violation on this count.
- (iv) The Joint Committee has verified that the Answering Respondent has provided the green cover as per EC. It noted that trees have been planted all along the boundary wall along with other plants and trees existing in the project. Hence, no violation on this count.

- (v) The STP of the Answering Respondent was found to be functional and conforming to the norms during a Joint Committee inspection conducted on 01.02.2022. Hence, no violation on this count.
- (vi) The Joint Committee noted that as per the EC conditions the Answering Respondent uses part of the treated water for horticulture purposes and the rest is discharged into the sewer line of the NOIDA authority. Hence, no illegal discharge/ diversion.

With regard to the allegation that the EC has been granted to one Express Builders (P) Ltd. which is a non-existent company, the contents of the preceding para and para 67-70 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated and not reproduced herein for the sake of brevity.

The bare perusal of the factual finding of the Joint Committee Report shows that the Answering Respondent has not undertaken any activity in violation of the EC.

13. The contents of Para 8-10 are denied as wrong, false and devoid of any merit. There has been no increase in the pollution load of the project as the EC was granted for 804 units out of which only 715 units have been constructed so

far. In this regard, it is pertinent to point out that the considerations such as water requirement, power requirement, area of the project, wastewater generation, solid waste generated, the number of dwelling units, the total number of residents i.e., density in those units have never exceeded as contemplated by the EC. There is no actual impact on the environment out of the construction undertaken in compliance of EC.

In fact, the Answering Respondent has ended up constructing lesser floors than permitted. As per EC the Answering Respondent is permitted to construct 126 floors [6 buildings x 21 floors (2B+G+18)] whereas at present there are 119 floors which are constructed. [5 buildings x 22 floors + 1 building x 9 (1B+G+7 floors)]. Thus, there has been no increase in the number of floors yet and the Answering Respondent has applied for an expansion of EC and undertakes to resume constructions only after obtaining prior EC.

The Applicant has yet again given a false statement on record by stating that "*...construction of Tower -A consisting of 120 flats is underway.*" This Hon'ble Tribunal must take a strict view of such deliberate and repeated offence of

misrepresentation of fact. The Joint Committee itself has stated that the construction of Tower A is stopped.

The repeated inference to the construction of a community centre consisting of a pool, gym & club hall/party hall and commercial complex is just another attempt to misdirect the attention from the key issues which have fallen flat on merits. Such basic amenities have been provided by the Answering Respondents as per the sanction plans and these plans were placed before the SEIAA while obtaining the EC. Thus, raising such random facts completely out of context is just another tactic employed by the Applicant for misguiding this Hon'ble Tribunal.

The Applicant in para 10 has admitted that there was a stay on the construction of Tower A in view of Order dated 30.05.2018 in WP-C No. 19614/2018 by the Allahabad High Court. Thus, in view of the stay, no construction activity has been undertaken by Answering Respondent since 30.05.2018. Be that as it may the construction of Towers B, C, D, E and F was completed much prior to the stay which is evident from the Occupancy Certificate dated 03.11.2015 and 15.12.2017 which has been appended as Annexure R/8 and Annexure R/9 of the Reply and Objections to Committee Report.

Further, the Answering Respondent cannot undertake construction without a subsisting EC. Despite these facts, the Applicant had filed a false affidavit in I.A. No. 195/2021 stating that *“PP is continuing the with the project and raising construction contrary to the terms of the EC.”* and again in the instant submission by stating that the construction of Tower A is *“underway”*.

The above-mentioned factual position is produced below in a tabular form for the convenience of this Hon’ble Tribunal -

<b>Sr No.</b>	<b>Parameter</b>	<b>Permissible</b>	<b>Findings of the Committee</b>
1.	Number of towers	6	6
2.	Number of dwelling units	804	715
3.	Number of floors	126	119
4.	Parking spaces	928	746

14. In response to Para 11 it is submitted that the Applicant has yet again failed to prove any guilt on part of the Answering Respondent, and has thus resorted to raise random issues. The Joint Committee had found that the rain water harvested from the rain water harvesting pits are confirming to the norms. In this regard, the allegation

that only four out of the five rainwater harvesting pits have been made is completely irrelevant as last remaining pit will be constructed only after the completion of Tower A which itself is pending for want of EC.

15. The contents of Para 12 are denied as wrong, false and devoid of any merits. The contents of para 52 – 57 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated but not reproduced herein for sake of brevity. The STP was operated only after obtaining CTO valid from 01.01.2018 and 31.12.2019. The CTO expired during the COVID pandemic waves and therefore, the Answering Respondent had no opportunity to take the requisite actions required to obtain renewal. In the meanwhile, the Answering Respondent was more focused on fulfilling his social obligations of serving the society at large in the wake of the unprecedented pandemic. Even during this period the STP was in operation and was confirming the prescribed norms. There is no case that the STP was discharging effluents without treatment. Be that as it may, the STP is treated at Terminal STP of NOIDA (having valid CTO) and there cannot be any actual environmental damage associated with the Answering Respondent.

Further, the Joint Committee Report itself states that the STP was meeting the norms as on 01.02.2022. Thus, there is no actual environmental damage.

16.The contents of para 13 are denied as wrong, false and devoid of any merit. The Joint Committee has rightly observed that the Answering Respondent is maintaining green belt as per the plan.

17.The contents of para 14 are denied as wrong, false and devoid of any merit. The contents of para 61-62 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated but not reproduced for the sake of brevity. The requirement of internal roads is in cases of large integrated township projects. The said fact is also verified and approved by the appropriate authority i.e. NOIDA in its Report dated 02.05.2022 The Answering respondent has provided setbacks of 20 metres on the front side of the tower, 9 meters on the left, right and back side of the Fire NOC.

18.The contents of para 15-16 are denied as wrong, false and devoid of any merits. The Terms of Reference for the Joint Committee was prescribed by this Hon'ble Tribunal vide

Order dated 18.10.2021, and the Joint Committee has conducted the inspection on the basis of the Order. The Applicant upon realizing that he has failed to establish any substantial environmental violation against the Answering Respondent has again attempted to raise a new issue. Further, the issues sought to be raised herein do not raise any substantial question of environment. All these issues are related to the permissions and under the jurisdiction of NOIDA. The Applicant cannot raise these issues under the ambit of environmental violations upon failing to raise substantial question of environment.

With regard to the false allegation that the Answering Respondent has encroached the green belt, it is submitted that the Joint Committee in its Report has verified the planting and maintenance of the green belts.

The Applicant has repeated his false allegations with regard to the illegal extension of built up area by the Respondent No. 6. The said allegation is denied as no mention thereof can be found in the Joint Committee's Report.

**Response to Submissions regarding Report dated  
02.05.2022 filed by NOIDA**

19. The contents of para 17-18 are denied as wrong, false and devoid of any merit. The Applicant has yet again attempted to mislead and caused confusion regarding the permissions to misguide this Hon'ble Tribunal. The Sanctioned Plan is prerequisite and an essential document for obtaining EC. In cases where there is extension in sanctioned plan (as in the instant case) the project proponent is required to obtain EC granting expansion after the new sanctioned plan. The Applicant is deliberately trying to portray that the EC is required to be amended before the revision of sanction plan when it is the other way round.

All the construction was undertaken before the expiration of EC which can be verified from the Occupancy Certificate dated 15.12.2017. Further, till date the Answering Respondent has not exceeded the number of units, number of parking spaces, number of floors or even the number of persons who shall eventually reside in the project.

20. The issues raised in Para 19 – 20 do not pertain or raise any substantial question of the environment. These are just issues which the Applicant is seeking to raise since all his other baseless allegations have fallen flat and were found to be without any merit.

21.The contents of para 21 are denied as wrong, false and devoid of any merit. The Applicant has admitted that the revision of sanctioned plan is a precondition to obtaining expansion in EC. Therefore, the contention that NOIDA ought to require amended EC before granting sanction for revised plan is incorrect and deserves to be rejected.

22.The contents of para 22 are denied as wrong, false and devoid of any merit. The facts of OA 1002/2021 are completely different from the present case. In the present case, the STP is functional and conforms to the norms which are established by Joint Committee Report.

23.The contents of para 23 are denied as wrong, false and devoid of any merit. The Applicant has only made vague and unsubstantiated allegations against the Answering Respondent.

24.The contents of para 24 -25 are denied as wrong, false and devoid of any merit. The applicant has merely raised another unrelated and unsubstantiated allegation. These allegations do not even pertain to any substantial question of environment are ought to be rejected. The Applicant can raise such policy issues at appropriate forum rather than

waste the time of this Hon'ble Tribunal to raise such issues.

**Response to Rejoinder to Reply and Objections of Respondent No. 6.**

25. The contents of para 26-30 are denied as wrong, false and devoid of any merit.

26. The contents of para 31 are denied as wrong, false and devoid of any merit. The Applicant on the pretext of fighting for legal and constitutional rights and ecology is only pursuing instant litigation for satisfying his personal vendetta after having lost at every other forum. The contents of para 31 are riddled with falsehood and misrepresentation of facts.

The Applicant herein claiming to be an Advocate by profession states that he was forced to sign on stamp paper is unbelievable. The Applicant has failed to place any document on record to show that he has taken action against such forceful signature. Thus, it is clear that the Applicant is fabricating a story to hide the fact that he was given possession of the flat on humanitarian grounds and he attempted to obtain the flat by deceit and without payment of stamp duty.

The contents of para 31 reflect that this is just an attempt to mislead this Hon'ble Tribunal towards issues not pertaining to the environment.

Further, the registration was made immediately after the payment of stamp duty.

27.The contents of para 32 are denied as wrong, false and devoid of any merits. The contents of para 18-19 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein. It is submitted that the Answering Respondent has not exceeded the number of dwelling units as permitted by the EC, neither has there been any increase in the number of floors nor there is any increase in pollution load of the project as till date the number of units and the number of persons residing in the project are not beyond the EC.

28.The contents of para 33 are denied as wrong, false and devoid of any merit.

29.The contents of para 34 are denied as wrong, false and devoid of any merit. The construction of Towers B, C, D and F has been as per the conditions of EC and there is no change in pollution load. Further, the contention that EC

does not provide for a community centre consisting of a swimming pool, gym, and space for party hall and commercial complex is denied. It is submitted that all these units were included in the Sanctioned plan which was submitted to SEIAA for grant of EC. It is denied that the Application dated 28.08.2018 for extension of EC submitted by the Answering Respondent was rejected.

30.The contents of para 35 are denied as wrong, false and devoid of any merit. The contents of Para 31 - 33 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein.

31.The contents of para 36 are denied as wrong, false and devoid of any merit. The contents of para 34 - 44 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein.

It is submitted that the Applicant has yet again placed incorrect position of law by stating that amendment of EC is not permissible. In *Keystone Realtors Pvt. Ltd. vs Anil V. Tharthare & Ors.* [(2020) 2 SCC 66], the Hon'ble Supreme Court did set aside the EC, however, it was on the ground that the subsequent EC was granted without following the procedure as per the EIA, 2006. The facts of the instant

case are completely different from the case cited by the Applicant.

It is submitted that the EC dated 19.09.2011 was issued after taking into consideration the impact the proposed project would have on environment in terms of considerations such as water requirement, power requirement, area of project, waste water generation, solid waste generated, number of dwelling units, the total number of residents etc. In this regards the Answering Respondent has not yet exceeded the capacity allowed by the EC. The Answering Respondent is well within the limit of 804 dwelling units permitted under EC. Be that as it may the judgement of Goel Ganga Developers Pvt. Ltd. vs Union of India & Ors. [(2018) 18 SCC 257] is not applicable in the instant case, and the Hon'ble Supreme Court in Electro Steel Ltd. vs Union of India & Ors. has deliberated on the applicability of SOP dated 07.07.2021 on cases where is violation of EC. It is submitted that if at all it is decided that the Answering Respondent has violated EC conditions, the SEIAA is empowered to take action in terms of the SOP dated 07.07.2021 and expansion of EC shall be granted only as per the SOP laid down.

32.The contents of para 38 are denied as wrong, false and devoid of any merit. The contents of Para 52 – 57 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein.

It is reiterated that the STP of the Answering Respondent was operating in conformity with the norms which can be verified by the Inspection Report dated 27.12.2017 which states that the STP is functional and conforming to norms. The inspection report dated 27.12.2017 has already been appended as Annexure R/17 in the Reply and Objections to Committee Report. Further, the latest report by the Joint Committee has stated that the Answering Respondent is conforming to the prescribed norms.

33.The contents of para 39 are denied as wrong, false and devoid of any merit. It is submitted that the rain water harvesting pits are constructed as per the approved designs and the sample collected by the Joint Committee.

The contents of para 40 are denied as wrong, false and devoid of any merit. The contents of para 60 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein but not repeated for sake of brevity.

34.The contents of para 41 are denied as wrong, false and devoid of any merit. The contents of para 61-62 of the

Reply and Objections to Joint Committee Report filed by the Answering Respondent are reiterated herein but not repeated for sake of brevity. It is submitted that the setback provided by the Answering Respondent is strictly as per the provisions of NOIDA Byelaws and the requirement of the Fire Department which has been renewed because the Answering Respondent has complied with the conditions. The Fire NOC dated 07.07.2011 and lastly renewed 19.05.2018 has already been marked and appended as Annexure R/19 (Colly).

The contention that closure of Exit gate at housing project is a safety hazard is denied vehemently and the renewal of Fire NOC is a testament to compliance of the Answering Respondent in this regard.

35. The contents of para 42 are denied as wrong, false and devoid of any merit. The contents of para 63-66 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein but not repeated for sake of brevity. The contention raised by the Applicant that the parking space is being sold does not raise any substantial question of environment. The conduct of the Applicant shows that the present OA is just an attempt arising out of the

vindictive intent of the Applicant and he has no concern for the environment.

36.The contents of para 43 are denied as wrong, false and devoid of any merit. The contents of para 66 of the Reply dated 28.03.2022 filed by the Answering Respondent are reiterated herein but not repeated for sake of brevity. It is submitted that the Applicant has not been able to prove a single violation and has only raised unsubstantiated claims for issues which are not even remotely related to the environment. Further, the Answering Respondent undertakes to not do any construction till prior EC for expansion of the project is granted by SEIAA. In this regard, there remains no question of demolition, since there exists no violation of EC. Further, the repeated allegation that a community centre consisting of a swimming pool, gym and club house/ party hall, and construction of a commercial complex is illegal in violation of EC is baseless as the same was part of the Sanction plan dated 26.07.2011 which has been considered by SEIAA while granting EC dated 19.09.2011.

37.The contents of para 44 are denied as wrong, false and without any merit. The contents of para 67-70 of the Reply

dated 28.03.2022 filed by the Answering Respondent are reiterated herein. The Answering Respondent has placed on record letter dated 28.08.2018 for extension of EC which shows that the EC process was always on behalf of Answering Respondent. Further, there is no company in the name of "Express Builders (P) Ltd." which is admitted by the Applicant. Therefore, the grant of EC in name of "Express Builder (P) Ltd." is just an inadvertent error which has no environmental significance. Be that as it may, the Applicant was free to challenge the EC when it was granted on 19.09.2011 in favour of a non-existent company.

38.The contents of Para 45 are denied as wrong, false and devoid of any merit. The Applicant has not been able to establish a single case of violation against the Answering Respondent. It is denied that a high-powered committee is to be constituted. This is just another attempt by the Applicant to delay the proceedings and raise new issues.

39.The contents of para 46-48 are denied as wrong, false and devoid of any merit. The Applicant has failed to prove any allegation and the whole exercise of the present OA is just another attempt to harass and blackmail the Answering Respondent. All the allegations raised by the Applicant

have already fallen flat and the instant Rejoinder is just an attempt to raise new, bald and baseless allegations against the Answering Respondent. This Hon'ble Tribunal must take a strict view of the conduct of the Applicant in filing a false affidavit and impose huge costs against him for filing such a vindictive proceedings for deriving illegal gains out of deceit and blackmail.

40. In view of the foregoing paragraphs, the present OA deserves to be dismissed with heavy costs.

**DRAWN AND FILED BY:**



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**DATE: 02.08.2022**  
**PLACE: NEW DELHI**

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 245 OF 2021**

**IN THE MATTER OF:**

Vineet Sinha

...Applicant

VERSUS

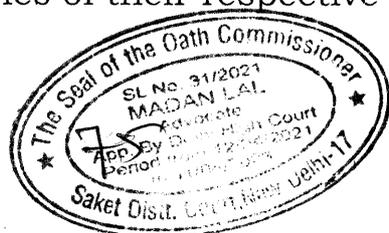
Union of India & Ors.

...Respondents

**AFFIDAVIT**

I, Shri Pankaj Goel S/o Shri J.B. Goel Aged about 47 years, R/o B-177, Greater Kailash-I, New Delhi presently at New Delhi, do hereby solemnly affirm and state on oath as under:-

1. That I am the Authorized Representative for Respondent No. 6, M/s Express Builder and Promoters Pvt. Ltd. in the abovementioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear and sign the present Affidavit.
2. That the accompanying Sur-rejoinder has been drafted as per my instructions by my counsel, and I have read the contents thereof and I understood the same.
3. That the Annexure enclosed with the Application are true and correct copies of their respective originals.



4. That the contents of the aforesaid Sur-rejoinder are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.

*[Handwritten signature]*

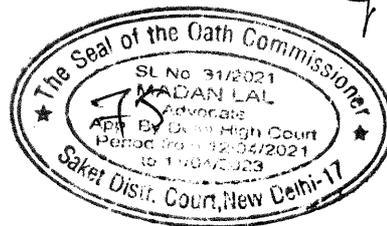
Deponent

VERIFICATION:

Verified at New Delhi on this the 02 AUG 2022 day of August, 2022 that the contents of the abovesaid affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom 02 AUG 2022

*[Handwritten signature]*

DEPONENT



*Pranoy*  
*D/9/24/2019*  
I identify the Deponent who has Signed; Put in my presence.

CERTIFIED THAT THE DEPONENT  
Shri / Smt. /Km. .... *Pankaj Goel*  
S/o, W/o, D/o. ....  
R/o ..... *J. B. Goel*  
Identified by Shri / Smt. .... *Pranoy*  
Has solemnly affirmed before me at  
Delhi.....  
That the contents of the affidavit which  
have been sworn to are true and correct to the best of my knowledge  
Oath Commissioner, Delhi  
MADAN LAL  
New Delhi



31  
**PROOF OF SERVICE**

Office Vsalegal <office@vsalegal.in>

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**Sur-rejoinder on behalf of Respondent No. 6 in O.A./245/2021 "Vineet Sinha vs. Union of India & Ors."**

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Office Vsalegal <office@vsalegal.in>

Tue, Aug 2, 2022 at 1:12 PM

To: vineetadvocate@gmail.com, secy-moef@nic.in, deouplko@yahoo.com, ccb.cpcb@nic.in, chairman@uppcb.in, ceo@noidaauthorityonline.com, pankaj@expressbuildersltd.com

Respected Sir/Ma'am,

Please see attached herewith the scanned copy of the Sur-rejoinder on behalf of Respondent No. 6, M/s Express Builder and Promoters Pvt. Ltd. along with affidavit to Submissions on behalf of Applicant to Joint Inspection Report dated 19.02.2022 submitted by UPPCB, CPCB and SEIAA and Report dated 02.05.2022 submitted by NOIDA and Rejoinder on behalf of Applicant of the Reply and Objections of Respondent No. 6 in the captioned matter.

Kindly treat this email as due service of the same.

**VSA Legal**

**Counsels for the Respondent No. 6**

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 **Sur-rejoinder in Vineet Sinha vs. U.O.I.pdf**  
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