

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PB AT NEW DELHI
IN
O.A. NO. 582 OF 2024

IN THE MATTER OF:

Rakesh Kumar

...APPLICANT

VERSUS

Union of India & Others

...RESPONDENTS

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Filed by



(I K Kapila)

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Dated 20.4.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PB AT NEW DELHI
IN
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IN THE MATTER OF:

Rakesh Kumar ...APPLICANT

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REPLY ON BEHALF OF RESPONDENT NO. 11 , M/S RICHLIN
RUBBERS

MOST RESPECTFULLY SHOWETH:

1. The present Reply is being filed by the impleaded Respondent No. 11 i.e., Richlin Rubber in compliance of order of Hon'ble Tribunal dated 6.9.2024 in the Original Application No. 582 of 2024 filed by Sh Rakesh Kumar as Applicant”.
2. The present OA has been filed by the Applicant seeking following main relief:

“a. Allow the present application before this Hon'ble Tribunal under section 14 read with section 18 of the National Green Tribunal Act, 2010 for issuance of directions to the respondents to implement the orders passed with regard to NCR regarding use of PNG/CNG as fuel to improve air quality may be made applicable to HISAR also.”

3. At the outset, the Answering Respondent denies all allegations/averments made by the Applicant in the present OA except those that are specifically admitted. Any omissions on the part of the Answering Respondent to deal with any specific averments of the Applicant in the Reply be not construed as an admission/acceptance thereof.
4. The Answering respondent craves the leave of Hon'ble Tribunal to submit only short reply at this stage, reserving right to file additional reply as per requirement or as directed by this Hon'ble Tribunal.

PRELIMINARY SUBMISSIONS

5. The Answering Respondent is complying with the orders of Haryana State Pollution Control Board (R/4) and carrying on its activity of tyre vulcanising and retreading after obtaining due consent from the Board which is valid up to 31.3.2033 from 13.6.2023.
6. It is submitted that on 23.06.2022, Respondent No.5, Commission for Air Quality Management in National Capital Region and Adjoining Areas ("CAQM"/ "Respondent No. 5") issued Direction No. 65 pertaining to "Standard List of approved fuels for various applications across NCR".
7. In compliance with the directions of CAQM, Haryana State Pollution Control Board ("HSPCB"/ "Respondent No.4") on 21.07.2022 ("HSPCB Order") amending its order dated 12.12.2018, issued the revised list of approved fuels for National Capital Region ("NCR") and non-NCR region.

8. It is humbly submitted that the Hisar region does not fall within the NCR area as fairly admitted by HSPCB in its the reply wherein it categorically stated that jurisdiction of the Hisar Region lies outside the NCR. The relevant extract of the HSPCB reply is reproduced herein below:

“2.... It is appropriate to mention here that the jurisdiction of Hisar Region lies outside the National Capital Region (NCR), approximately 157 Kilometres from Delhi”

9. It is submitted that the industrial unit of the Answering Respondent falls in the Hisar region. The list of approved fuels for non-NCR region as per HSPCB Order dated 21.7.2022 are as follows:

“Standard list of approved fuels for entire non NCR.

1. Petrol (as per norms prescribed by Government of India from time to time).
2. Diesel (as per norms prescribed by Government of India from time to time).
3. Liquid Petroleum Gas (LPG) and PNG for domestic and commercial use.
4. Natural Gas/Compressed Natural Gas (CNG) for vehicles.
5. Piped Natural Gas (PNG) and LPG for boilers, furnaces, Lime Kilns and Thermic Fluid Heaters.
6. Aviation turbine fuel.
7. Coal for boilers, furnaces, Thermic Fluid Heaters, Lime Kilns and Brick Kilns.

8. Low- Sulphur Diesel Fuel (LSDF) for boilers, furnaces, Lime Kilns, Thermic Fluid Heater and incinerators.
 9. Biomass / Agriculture refuse such as Rice Husk, Mustard Husk, Bagasse, Almond husk, Walnut Husk either in the form of Briquettes or loose to be used in Boilers, Furnace, Brick Kilns.
 10. Firewood and dung cake for domestic use, crematoriums and for other religious purposes.
 11. Wood Charcoal for use in clothes ironing.
 12. Biogas, Bio fuel, Char Coal.
 13. Refuse Derived Fuel (RDF) for Power Plant, Cement Plants including Waste- to-Energy Plants.”
10. Furthermore, it is submitted that HSPCB in its reply at Para 3 has admitted that all the industrial units are using the fuels in consonance with the HSPCB Order. The relevant extract of the HSPCB reply is reproduced herein below:
- “ 3. It is worthwhile to mention here that as per the data of consent granted by the answering respondent, there are 126 air polluting units located within the jurisdiction of Hisar District. The majority of these units use Electricity, Diesel, Biomass, Rice Husk, HSD, LDO etc., as fuel. Recently, 08 units in Hisar District have opted to switch to PNG as a fuel source. It is pertinent to mention that all the said units are using the fuels in consonance to the HSPCB order dated 21.07.2022....”
11. That it is pertinent to submit here that Hissar is not listed among 131 Non Attainment Cities as per list available on CPCB website. Further , the CPCB itself have submitted its response

in the instant matter as Respondent No 3 that annual average pollution at Hissar is reflecting declining trend. As per said CEPCB report (Running Page 74 onwards), the Trend of Air quality at Hissar during year 2021-2023 is as under (Running page 77)

Annual Average Concentration (micro gram/ cum				
Year	SO ₂	NO ₂	PM ₁₀	PM _{2.5}
2023	14	22	136	66
2022	08	40	153	79
2021	12	30	162	92

12. As per data available through AQI website the annual AQI trend at Hissar is as under

Year	AQI
2020	152
2021	153
2022	153
2023	134
2024	130

It is thus clear that concerned authorities are taking adequate steps to ensure that air pollution is reducing.

13. It is also relevant to bring to notice of Hon'ble Tribunal that the Applicant was directed by Hon'ble Tribunal vide order dated 6.9.2024 to implead 118 industries as respondent in the matter, However, as per the amended memo of parties submitted by the applicant, dated 30.9.2024, only 102 industries have been included in the amended memo of parties. It is not explained how

and why M/S Haryana City Gas (KCE) Pvt Ltd, Gurugram has been listed as Respondent No 6 in the said amended memo of parties. Original memo of parties had only 5 official parties as respondents as per copy of OA supplied to the Answering Respondent by the applicant.

Short Reply to the OA

14. The Applicant has relied on Order of Hon'ble Supreme Court in the matter of Aditya Dubey (minor) and Another Vs UOI & other which relates to air pollution in NCR region only. The Directions of Respondent No 2 relied by the applicant also relate to NCR region only. The order of Hon'ble Tribunal dated 1.10.2020 in the matter of OA 924/2018 relating to Gobind Garh, Punjab is also not relatable to present OA as said matter relates to Gobind Garh a critically polluted non attainment city. It is further relevant to point out that order of HSPCB dated 27.11.2020 also relates only to new industries in NCR area. It is thus clear that the OA has been filed for no valid reason except to obtain orders of Hon'ble Tribunal to get business to Respondent No 6.

In view of the foregoing, it is respectfully prayed that the present Original Application may kindly be dismissed.

Richlin Rubbers

Partner

Respondent No 11

DATED: 18.04.2025

Filed Through


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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PB AT NEW DELHI

OA NO. 582 OF 2024

IN THE MATTER OF:

RAKESH KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & OTHERS

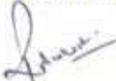
...RESPONDENT

AFFIDAVIT

I, Raunak Bahar, a Partner of Richlin Rubbers. Plot No 559, Village Hazampur, Tahsil Hansi, Distt Hissar, Haryana at present at New Delhi, do hereby solemnly affirm and declare as under: -

1. That I am presently a Partner of Richlin Rubbers, Plot No 559, Village Hazampur, Tahsil Hansi, Distt Hissar, Haryana and duly authorized to file this affidavit.
 2. That I am fully conversant with case as derived from office record and competent to swear to this affidavit.
 3. That I have read the accompanying Reply/ Response and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.
- That the Annexure is true copy of its original.



Richlin Rubbers

 Partner

DEPONENT

Verified at HANSI on this 19th day of April 2025, I the above named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.



Richin Rubbers
[Signature] Partner
DEPONENT

ATTESTED
man 19/4/25
NOTARY, HANSI (HISAR)



IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
CIVIL/ APPELLATE/ORIGINAL JURISDICTION

OA No. 582 of 2024

Rakesh Kumar Petitioner (s) Appellant (s)

VERSUS

Union of India & Others Respondent(s) Appellant (s)

VAKALATNAMA

I/We Raunak Bahar, Partner of Richlin Rubbers, Hissar

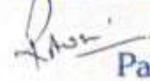
_____ Petitioner(s)/

Respondent(s) in the above petition/Suit/Appeal/Reference do hereby appoint and retain Sh I.K.KAPILA, Advocateto act and appear for me/us in the above Suit/Appeal/Reference and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same of any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/Appeal/Reference and in applications of Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 12th day of October 2024.

ACCEPTED

Richlin Rubbers


Partner

Petitioner(s)/Appellant(s)

/Respondent(s)


(L.K.KAPILA)

Advocate

D 082, DLF Capital Greens

New Delhi-110015