

The Hon'ble National Green Tribunal
(Principal Bench)
New Delhi.

Original Application No. 628/2024

In the matter of

Cdr Alok Mohan (Retd.) – Applicant

Vs

Escorts Kubota Ltd & Ors

Respected Sir:

1. I refer to the proceedings and the Order of this Hon'ble Tribunal dated 17 November 2025 in the above-mentioned matter, wherein I was asked to submit rejoinder within four weeks..

2. I, Cdr Alok Mohan state that the Respondent Escort Kubota Ltd, has on more than one occasion, made derogatory and defamatory remarks while referring to Page 6 of my Original Application (OA 628/2024). I therefore place the following facts & my prayer, for the kind consideration of this Hon'ble Tribunal, once again.

I. CLARIFICATION REGARDING PRAYERS A, B & C (Para 8 of OA 628/2024)

A. Justification for Para 8(A)

Pursuant to the direction of this Hon'ble Tribunal contained in its order dated 29 May 2024, I approached the Financial Commissioner Revenue (FCR), Haryana for redressal and re-allocation of my ancestral urban property measuring $\frac{3}{4}$ acre.

This property, originally allotted at Daudpur, Ambala City, was subsequently unethically cancelled and illegally re-allocated in a non-existent village (Bhai Sauda), which does not exist in Haryana.

I respectfully submit that the cancellation and reallocation was a fraudulent act, by the then political leadership of India, which had earlier facilitated murder and loot of my grandparents, on the name of partition based on religion.

This meagre compensation i.e urban plot was allocated in lieu of four houses, well established business at Pakistan & various other properties owned by my grand father Mehta Gokul Chand Mohan.

I have only sought restoration of my own rightful ancestral property share, which was wrongly taken away. This request was made also to safeguard the life and health of my family, as a dangerously polluting Category-A/ Red Category industry has been established adjacent to my residence.

Therefore, my prayer cannot be characterised as “fishing and robbing”, as has been stated by the Respondent. Such remarks are unfortunate and appear intended to divert attention from the factual and legal violations committed by the industrial unit.

I am merely seeking protection of my health, my wife’s health, and my lawful property rights, and I deny any allegation of blackmail or improper motive.

Rather the act of the then authorities/political leadership was fraudulent

B. Justification for Para 8(B)

It is understood that certain certification bodies have issued ISO 9001, ISO 14001, and ISO 45001 certifications to the Respondent (Escorts Kubota Ltd).

As per International Accreditation Forum (IAF) rules, accredited certifications cannot be issued without complete on-site assessment of all processes, including environmental aspects, legal compliances and risks to neighbouring communities.

The minimum separation distance, nationally & internationally accepted for hazardous or polluting industries from residential areas is 1 kilometre.

My residence House no 901 Sector 15 A, Faridabad location is: ~

28.3954° N, 77.3153° E

and

Mathura Road, Faridabad location is A point (on Mathura Road near Escorts): ~ 28.3977° N, 77.3124° E

The straight-line distance is approximately 350 metres, while the factory boundary wall lies about 100–150 metres from my residence.

The polluting industry is located between these two points .

The establishment and operation of a pollution-generating industrial facility in such immediate proximity directly contradicts essential requirements of ISO 14001:2015 and ISO 45001:2018, including:

community risk assessment,

environmental aspect-impact evaluation,

boundary-level monitoring,

legal compliance review,

emergency preparedness for neighbouring residents.

Multiple indications suggest that these mandatory verifications were not adequately conducted by the certification bodies.

My offer in Para 8(B) of the OA only suggested that certification bodies may establish an office nearby (including temporary use of any residence), so that they can properly understand ground realities and perform their duties more effectively.

I remain an “interested party” under various management system standards as an immediate neighbour exposed to the impacts. The term “interested party” is mentioned in these international management standards.

On this issue, being an “interested party” I also reserve my right to approach the International Accreditation Forum (IAF) at iaf@iaf.nu regarding concerns about the manner in which such certifications were issued. Respondents themselves have admitted that critical installations such as Zero Liquid Discharge system, Acoustic Barriers, and other control systems are still not installed. The unit is therefore not compliant, even today.

The situation prima facie reflects serious non-conformities with ISO 14001 and ISO 45001 as well as national & international environmental laws/standards.

C. Justification for Para 8(C)

As per EIA Notification 2006, and CPCB & SPCB siting guidelines, hazardous / Red Category industries must adhere to specific buffer distances, zoning restrictions, and residential protection norms.

My wife and I have experienced serious health impacts since the commencement of operations of the industry in 2016, including multiple skin lesions.

One such lesion was biopsied and the pathology report (Amrita Hospital Laboratory, Sample ID: 0003H1250610, dated 10.06.2025) confirms Pigmented Basal Cell Carcinoma, with BER -EP4 positivity.

These symptoms have appeared recently only and are strongly suggestive of prolonged exposure to the industrial pollutants.

It is respectfully submitted that such circumstances justify my request for compensation and cannot be termed blackmail or “fishing and robbing.”

I also humbly request that derogatory statements by the Respondent be discouraged, especially in view of my service to the nation as a retired Naval Officer, and that any future remarks may kindly be placed on record.

II. SPECIFIC QUESTIONS FOR RESPONDENTS

(As required for full adjudication)

I respectfully seek answers to the following questions, as the Respondent’s claim of “full compliance” remains incomplete in absence of clear replies:

A. Compliance, Precautionary Principle & Health Risks

Respondents admit ZLD, acoustic barriers and other systems are not yet installed.

Does this not mean the unit is currently non-compliant?

How can operation continue when carcinogenic and other symptoms have appeared in nearby residents (Applicant and spouse), contrary to:

Vellore Citizens' Welfare Forum v. Union of India (1996)

A.P. Pollution Control Board v. M.V. Nayudu (1999)

2024 INSC 310 Judgment

Do Respondents acknowledge our fundamental right to clean air and water ?

B. Zoning & Land-Use Questions

What is the official zoning of my residence (Sector 15A) under the Final Development Plan of Haryana?

What is the zoning category of Plot 18/4 used by Escorts Kubota?

If "mixed-use":

What types of industries are permitted?

Are Red Category industries permissible?

What is the buffer requirement?

How is "mixed-use" officially defined?

Is a Red Category automobile/painting unit permissible adjoining residential plots under TCP Haryana, CPCB guidelines and Supreme Court jurisprudence?

C. Provide Permissions & Public Process to the honorable bench:-

Provide certified copies of:

Consent to Establish (CTE)

Consent to Operate (CTO)

Zoning Clearance / CLU

Occupation Certificate

Environmental Clearance (if any)

Was public notice issued before granting CTE/CTO/occupation certificate?

Were Sector 15A residents invited to file objections?

D. Outsourced Chemical Processes

Respondent states no electroplating/pickling is done inside.

The Respondent must submit:

Names and addresses of outsourced vendors

Their CTE/CTO

Agreements, bills, HWM manifests, etc.

Thus is required to ascertain whether the electroplating zone/vendors are also located in or near residential areas.

E. Hazardous Chemicals & Monitoring

Is storage/handling of hazardous chemicals compatible with a residential neighbourhood?

Is continuous monitoring conducted for:

SPM/PM2.5/PM10

VOCs

NOx/SOx

Noise

Effluent discharge?

If not, how is "full compliance" claimed?

Can some one give guarantee of efficient operations in future also.

Has HSPCB issued any notices or penalties in the last five years? If yes, kindly provide copies.

Has any Health or Cumulative Impact Assessment ever been conducted for Sector 15A residents, since last many years of the industrial operations/activities?

F. Legality of Siting

Even if emissions were within limits, can a Red Category industry legally operate inside a residential/mixed colony under law and Supreme Court rulings?

III. CONCLUSION

I reiterate my prayer for protection of my constitutional rights, health, as well as my lawful ancestral property.

I remain dependent on the Haryana Government and FCR, Chandigarh for re-allocation of the cancelled urban plot.

I respectfully request this Hon'ble Tribunal to consider the above submissions and to direct the Respondents to provide clear replies and cease defamatory remarks.



Respectfully submitted,

Cdr Alok Mohan (Retd.)

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Date: 18th November 2025