

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

REVIEW NO. 4 OF 2026

IN

ORIGINAL APPLICATION 219 OF 2026

Modulus Cosmetics Pvt Ltd and Anr ...Review Applicant(s)

Versus

Jatinder Singh and Ors. ...Review Respondent(s)

**WRITTEN SUBMISSIONS ON BEHALF OF REVIEW
RESPONDENT NO. 6**

It is respectfully submitted that **this is a review and not an appeal**. The jurisdiction is narrow, confined to an **error apparent on the face of the record**. The order under challenge does no more than direct a **fact-finding** inspection. The single question that arises is **whether the units are polluting**, and that question is answered by the inspection and by the record, and not by the character of the Review Respondent.

1. That having no answer on the question of compliance, the Review Applicants will seek to make this hearing about the character of the Review Respondent. **Character is not in issue in a review. Not one allegation against him has been established by any court, an FIR being no finding of guilt**, as the Review Applicants have themselves submitted before the Hon'ble High Court. Whatever is urged against the man answers nothing about the units. **A party that can meet the question of compliance or facts meets it, and a party that cannot attacks the person who raises it.**

2. That a review lies only for an **error apparent on the face of the record**. In *Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715, the Hon'ble Supreme Court held that an error which is not self-evident and has to be detected by a process of reasoning is not an error apparent, and that a review cannot be allowed to be "**an appeal in disguise**". The Review Applicants show no such error. Their grievance, that the order ought to have been otherwise, is a **matter for appeal under Section 22** of the Act, and not for review.
3. That the reason the Review Applicants strain to prevent the inspection appears from the record of the very authority now directed to carry it out. By an order under **Section 33-A of the Water Act, 1974, the Member Secretary, HPSPCB**, directed M/s RRD Oil & Fats Pvt. Ltd., one of the Review Applicants, **to stop operation and to close down**, having found the unit **discharging untreated effluent** on samples that **failed the prescribed norms for Total Suspended Solids, Oil and Grease, COD and BOD on both occasions**, a gross violation amounting to a **cognizable offence**, and having directed the **disconnection of its power supply**. The order dated 09.04.2026 **directs the Member Secretary of the same Board to inspect these very units afresh. This is not an allegation of the Applicants but a finding** of the Review Applicants' own regulator, resting on failed laboratory samples. **What the units fear is not injustice, but verification by the very authority that has already found them in violation.**
4. That the order grants **no interim relief**. It **restrains nothing and injuncts nothing**. This Hon'ble Tribunal took neither side on its word, and as a precaution sought independent facts through its own regulator, the Member Secretary. An order that trusts no party and asks the Board to verify is **the opposite of adverse, and injures no one**. The complaint that it is ex parte is answered by

the notice issued in paragraph 3 and the hearing fixed for **23.07.2026**, and in any event lies in appeal and not in review. By Section 19(1) of the Act this Hon'ble Tribunal is **not bound by Order 39 of the Code**.

5. That the relief sought in the Original Application is **not the revocation of the Consent, but only its suspension pending full compliance**, and the order under review granted even less, a mere inspection. The Review Applicants have blurred this distinction to project a case that was never made.
6. That the dispute is cross-border. **The most affected village, Mehindwani, lies in District Hoshiarpur, Punjab, beyond the effective reach of the Himachal Pradesh High Court**, and the Punjab Pollution Control Board and the State of Punjab are parties. A dispute reaching into two States can be effectively decided only by this Hon'ble Tribunal, whose jurisdiction spans State boundaries. In *Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India*, (2012) 8 SCC 326, a Bench of three Hon'ble Judges held that matters under Schedule I "**can be instituted only before the NGT**". Sengupta, a Bench of two, **requires a conflicting order, of which there is none**, every High Court order to date being only notice and a call for replies. This Hon'ble Tribunal was **seised first, on 28.03.2026**.
7. That under the precautionary principle affirmed in *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647, **"the onus of proof is on the actor or the developer or industrialist to show that his action is environmentally benign"**, and that onus is **discharged only by inspection**, as the failed samples on the Board's own record make plain. There is **no urgency greater than a health emergency** in which the residents suffer disease and death. **A compliant unit welcomes an inspection**, it does not resist one through forum after forum.

8. That the loss of a buyer, urged as prejudice, is neither caused by the impugned order, which decides nothing, nor by any act of the Review Respondent, but is the buyer's **own commercial decision**, and is in any event **a private matter outside the environmental question** before this Hon'ble Tribunal. The reporting of pollution is **protected under Article 19(1)(a) and Article 51A(g), no prior restraint being permissible**, as held in *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632, and public-interest environmental criticism not being liable to be injuncted absent proof of falsity and malice, as held in *Tata Sons Ltd. v. Greenpeace International*, (2011) 45 PTC 275 (Del). A loss occasioned by lawful reporting is **damnum sine injuria**. **A media report cannot compel a Tribunal to reconsider a lawful order.**
9. That the asymmetry is complete. Against the Review Respondent there is **not a single judicial finding, not one call, one message or one rupee.** Against the units there stands, on the record, **an order of the Member Secretary directing closure and more than twenty show-cause notices** of the Board, besides the **documented allegations of fabrication of official data and official collusion** in the Original Application. Yet it is the Review Respondent who is pinned as the wrongdoer. The order dated 07.07.2026 of the Hon'ble High Court, pressed as though it were a finding of guilt, is no such thing, for it merely directs the Superintendent of Police to report on the complaints, and equally to report on the Review Respondent's own complaint under Section 156(3). **It reports on both sides alike.** The foisting of false cases upon the citizen who documents pollution is **the known modus operandi of the mining and industrial nexus**, and the timing here lays it bare.

Date	Event
29.06.2026	Interim protection granted in the anticipatory bail; the Review Respondent directed to join the investigation
Daily thereafter	The Review Respondent called to Police Station Tahliwal to join the investigation day after day
07.07.2026	Review Applicant No. 1 seeks to cancel the Review Respondent's bail (Cr.MP No. 2789 of 2026); the High Court directs the SP to file an affidavit on the complaints and on the Review Respondent's own Section 156(3) complaint
13.07.2026	Hearing in OA No. 666 of 2024
14.07.2026	Hearing in the present Review; reply due
21.07.2026	Hearing in OA No. 215 of 2026 (Mahadev Stone Crusher)
23.07.2026	Hearing in the main matter, OA No. 219 of 2026

That within a single fortnight the Review Respondent has been made to attend a criminal investigation from day to day before the very Police Station that had registered the now-cancelling FIR No. 30 of 2025 against him, to resist an attempt to cancel his bail in a matter not even the Review Applicants' own, and to appear in four separate environmental matters before this Hon'ble Tribunal,

all while allowed four days to reply to this Review. This is **design, not coincidence. If a single judicial finding against the Review Respondent exists, let it be produced. There is none.** What remains is **the cost of environmental litigation, paid in adversarial cases.**

10. That the whole matter reduces to a single point. The Applicants had one grievance, pollution, and came to the one Tribunal competent to decide it. The Review Applicants have **gone to every forum but this one, a High Court that cannot even reach the worst-affected village**, a suit for damages, an ex-parte gag order, a criminal bail matter and an appeal to the Hon'ble Supreme Court, all to stop the inspection this Hon'ble Tribunal ordered. In not one of these forums have the Review Applicants ever asked that the Board be permitted to **inspect the units and discharge its statutory duty. That single omission answers the Review.**

PRAYER

It is therefore most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Review Application and the applications dated 08.07.2026 as a continuing abuse of the process of this Hon'ble Tribunal, to direct the Member Secretary, HPSPCB, to file the status and report of the inspection directed on 09.04.2026 before the Review is decided, to condone the delay in filing, and to proceed on the footing that the relief sought in the Original Application is **suspension pending full compliance and not revocation.**

Place: New Delhi

Date: 13-07-2026

REVIEW RESPONDENT NO. 6