BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 61 OF 2026

(IA NO. 412 OF 2026)

IN THE MATTER OF:

Rajni Gupta	...	Appellant
Versus		
Delhi Pollution Control Committee	...	Respondent

REJOINDER ON BEHALF OF THE APPELLANT TO THE REPLY/RESPONSE DATED 23.07.2026 FILED BY THE RESPONDENT, DELHI POLLUTION CONTROL COMMITTEE

PAPER BOOK

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MANAN BANSAL / KANISHK RANA

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MOST RESPECTFULLY SHOWETH:

1. That by order dated 26.05.2026, this Hon'ble Tribunal issued notice on IA No. 412 of 2026, whereby the Appellant seeks condonation of the delay in filing the present Appeal. The present Rejoinder is filed on behalf of the Appellant to the Reply/Response dated 23.07.2026 filed thereto on behalf of the Respondent, Delhi Pollution Control Committee (hereinafter "**DPCC**" or "**the Respondent**"), affirmed by its Senior Environmental Engineer (hereinafter "**the Reply**"). The annexures to the Reply, marked by the Respondent as Annexures 1 to 5, are referred to herein as **Annexures R-1 to R-5** respectively.

2. That each and every averment, submission and contention made in the Reply is denied, save and except what is specifically and

expressly admitted hereinafter. Nothing stated in the Reply shall be deemed to be admitted by the Appellant merely for want of specific traverse. The contents of the Appeal and of IA No. 412 of 2026 are reiterated and reaffirmed as part of the present Rejoinder, and are not repeated herein for the sake of brevity.

3. That before adverting to the para-wise reply, the Appellant craves the leave of this Hon'ble Tribunal to make the following preliminary submissions, each of which is without prejudice to the others.

PRELIMINARY SUBMISSIONS

(I) The Reply admits every foundational fact on which the Appeal rests

4. That the Reply, read as a whole, admits every fact on which the Appellant's case rests. The Respondent itself admits:

(a) That the Appellant is the owner of the premises bearing No. C-34 (Front Corner Side), Wazirpur Industrial Area, Delhi-110052 (paras 4 and 8 of the Reply);

(b) That the Appellant's own business, M/s RJ Alloy Steel, is *"a trading company in stainless steel"* operating from the premises under a White Category Undertaking issued by DPCC itself (paras 4 and 10 of the Reply);

(c) That the Appellant *"has let out portions on the first and second floors"* of the premises (para 4 of the Reply);

(d) That the buffing operations were carried on by the tenants — the Respondent states in terms that the White Category Undertaking *"does not cover buffing operations by tenants"* (para 10 of the Reply);

(e) That the Appellant furnished DPCC with the *"Aadhar Card details of the tenants which had occupied the premises"* (para 5(e) of the Reply); and

(f) That when DPCC's own officials inspected the premises on 03.02.2026, the premises were *"found vacant"*, with *"No activity of any kind being done at the said premises"* (para 5(f) of the Reply and Annexure R-4).

5. That on these admitted facts, the Appellant is neither the polluter nor the "occupier" within the meaning of the Air (Prevention and Control of Pollution) Act, 1981 ("**Air Act**") or the Water (Prevention and Control of Pollution) Act, 1974 ("**Water Act**"). The Environmental Compensation of Rs. 4,50,000/- cannot, therefore, be fastened upon her, and the Appeal deserves to be allowed on the Respondent's own showing.

(II) The Inspection Report dated 23.09.2025 (Annexure R-1) was never served on the Appellant

6. That the Appellant categorically states that the Inspection Report dated 23.09.2025 along with photographs (Annexure R-1, at pages 57 to 62 of the paper book) was never served upon her. No notice of the said inspection was given to her, either before or after it was

conducted. The Appellant has seen the said Inspection Report and the photographs for the first time as annexed to the Reply.

7. That the Inspection Report was prepared behind the Appellant's back. It records, in terms, "No responsible person found". It does not record the name of the unit, its operator or its owner, each of whom is described only as "Owner/Occupier". It does not identify the floor or the portion of the building in which the activity was allegedly found, does not bear the signature of any person from the premises, and records no statement of anyone. Nothing in it connects the Appellant, or her business M/s RJ Alloy Steel, with the activity observed. The photographs annexed to it bear location stamps reading only "Block B" or "Block C, Wazirpur Industrial Area", and do not identify the premises bearing No. C-34 (Front Corner Side), much less any portion thereof in the Appellant's use. Fastening liability of Rs. 4,50,000/- on the basis of generic averments ought not to be condoned by this Hon'ble Tribunal.

8. That the Show Cause Notice dated 08.10.2025 (Annexure R-2) merely summarises the observations of the said inspection; it enclosed neither the Inspection Report nor the photographs. The Appellant was thus never afforded any opportunity to know, much less to rebut, the material on which DPCC proceeded against her. It is settled law that even an administrative order which involves civil consequences must be made consistently with the principles of natural justice: *State of Orissa v. Dr. (Miss) Binapani Dei*, AIR 1967 SC 1269. The Hon'ble Supreme Court has specifically held that the power of a Pollution Control Board to levy compensatory damages under Section 33A of the Water Act and Section 31A of the Air Act

can be enforced only after the principle and procedure governing it, incorporating the basic principles of natural justice, have been laid down: *Delhi Pollution Control Committee v. Lodhi Property Co. Ltd.*, 2025 INSC 923. An Inspection Report which was never served on the Appellant cannot be made the foundation of a liability fastened upon her.

9. That, without prejudice, even if Annexure R-1 is taken at face value, it at best records that a buffing activity was found being carried on at the premises on 23.09.2025. It says nothing about who was carrying it on. The Appellant has never denied and has herself disclosed to DPCC that the tenants inducted on the first and second floors, who had taken the premises on rent stating that they would undertake small business, were found to have undertaken the work of buffing of stainless steel, a fact which the Appellant came to know only upon learning of the Show Cause Notice. The Appellant had no role in the activity being carried out by the tenants.

(III) The Appellant, being the owner and not the "occupier", cannot be saddled with liability for the activities of her tenants

10. That Section 2(m) of the Air Act and Section 2(d) of the Water Act define "occupier" in identical terms:

> *""occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;"*

11. That the definition turns on control over the affairs of the factory or the premises, and not on ownership. The portions in which the

activity was carried on had been let out to, and were in the exclusive possession of, the tenants, who alone controlled the affairs of the activity carried on therein. The substantive obligations under the Air Act fall on the person who establishes or operates the industrial plant: Section 21 forbids any person from establishing or operating an industrial plant in an air pollution control area without the previous consent of the State Board, and Section 22 binds the "person operating any industrial plant". Sections 25 and 26 of the Water Act are likewise directed at the person who establishes the industry, operation or process, or who makes the discharge. The Appellant neither established nor operated the tenants' activity. The notion of an owner's "residual control and responsibility", on which para 8 of the Reply rests, finds no place in either statute and is a construct of the Reply itself.

12. That this precise question has been answered by this Hon'ble Tribunal in *Jagmohan Lachiram Jalan v. Gujarat Pollution Control Board*, 2025 SCC OnLine NGT 590, wherein it was held as under:

> *"**29.** After having made the analysis by us as above, we are of the considered opinion that the impugned order, which imposes the amount of interim Environmental Damage Compensation (EDC) to the tune of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) cannot be allowed to be levied from the appellant, who is owner of the premises in question and not the actual occupier thereof. We are of the view that for the illegal acts committed by the tenant, the landlord cannot be held accountable."*

13. That the Hon'ble Supreme Court has declined to interfere with the aforesaid decision in *Gujarat Pollution Control Board v. Jagmohan Lachiram Jalan*, 2026 SCC OnLine SC 1106, decided on 08.06.2026.

In arriving at its decision, this Hon'ble Tribunal relied upon the judgment of the Hon'ble High Court of Delhi in *Sunita Aggarwal v. Delhi Pollution Control Committee*, 2022 SCC OnLine Del 4314 rendered against the very Respondent herein and held that a circular of the State Board contemplating joint liability of the owner and the tenant, being contrary to the statute, could not be applied. The Respondent herein does not point even to a circular fastening liability upon owners; it cannot achieve, by a bare averment in its Reply, what the statute does not permit.

14. That the Appellant's case stands on a higher footing than that of a passive landlord. Upon learning of the proposed action, she called upon her tenants, by notices dated 24.10.2025, to vacate the premises, secured the vacation of the premises, and disclosed the identity of the tenants to DPCC. DPCC's own inspection dated 03.02.2026 confirms the cessation of the activity.

(IV) The Appellant acted with complete *bona fides*; DPCC has penalised her candour and spared the actual polluters

15. That the Show Cause Notice dated 08.10.2025 (Annexure A-5 to the Appeal; Annexure R-2) was addressed to "M/s Owner/Occupier" and was never served on the Appellant. The Appellant came to know of it only when she accompanied a neighbour, who had received a similar notice, to the office of DPCC, from where a copy of the said notice was obtained as is also recorded in the email dated 29.10.2025 (Annexure R-3).

16. That immediately thereupon, and although the said notice neither named the tenants nor identified the portion allegedly offending, the Appellant:

(a) Served notices dated 24.10.2025 upon her tenants, namely Irfan (first floor) and Fariyad (second floor), calling upon them to pay the compensation or to vacate the premises (Annexure A-6 (colly) to the Appeal), whereupon the tenants vacated the premises;

(b) By an email dated 29.10.2025 sent on her behalf to the Member Secretary, DPCC (Annexure R-3), informed DPCC that a portion of the premises had been let out, that the pollution had been caused by the tenants, and that the tenants had been asked to pay the fine or vacate, and requested an appointment so that her case could be presented. The endorsements on Annexure R-3 itself show that it was received in DPCC and marked down to CMC-III and the AEE between 29.10.2025 and 01.11.2025; and

(c) Upon learning of the impugned order dated 06.01.2026, submitted a detailed reply thereto, received by DPCC on 21.01.2026 (Annexure A-7 to the Appeal), enclosing the notices served upon the tenants along with their Aadhaar details, photographs of the vacated premises, and the White Category certificate of M/s RJ Alloy Steel.

17. That DPCC's own inspection on 03.02.2026 (Annexure R-4) found the premises vacant, with "No activity of any kind being done at the

said premises", thereby confirming the Appellant's stand in its entirety.

18. That the Appellant's name finds mention in DPCC's subsequent communications ("M/s Owner/Occupier (Rajni Gupta)") only because she herself came forward. DPCC has, in effect, converted the Appellant's candour into her liability, while taking no step whatsoever against the tenants the actual operators of the activity whose identity and Aadhaar details it admittedly possesses. The "Polluter Pays" principle invoked by DPCC requires that the polluter pay; it does not permit the regulator to recover from the person who identified the polluter, merely because she is the more convenient target.

(V) Non-application of mind at every stage

19. That the proceedings bear the mark of non-application of mind at every stage:

(a) The Show Cause Notice dated 08.10.2025 (Annexure R-2) is addressed to an unnamed "M/s Owner/Occupier", does not identify the floor or portion allegedly offending, and proposes that "you (the addressee unit) shall close your Restaurant/Eating house" and that the concerned Sub-Divisional Magistrate "shall ensure effective closure of the said Restaurant/Eating house" directions that bear no relation to the premises or to the activity alleged.

(b) The impugned order dated 06.01.2026 (Annexure A-1 to the Appeal) is itself a *pro forma* addressed to "M/s

Owner/Occupier", in which the Appellant's name and mobile number have been inserted by hand. It records that the addressee had *"submitted reply in response to the aforementioned Show Cause Notice dated 01.10.2025"* a date on which no Show Cause Notice was issued and then, without a word of discussion of that reply, proceeds straightaway to direct the deposit of Rs. 4,50,000/- *"keeping in view the 'Polluter Pays' Principle"*. The order contains no finding that the Appellant is the occupier or the polluter, no consideration of the stand that the premises had been let out to tenants, no determination of environmental damage, and no reasons whatsoever.

(c) DPCC has treated the email dated 29.10.2025 (Annexure R-3) which is nothing but a request for an appointment to present the Appellant's case as the Appellant's "reply", and claims to have "duly considered" it (paras 5(c) and 5(d) of the Reply). No appointment was granted and no hearing was afforded. No noting, record of hearing or speaking order reflecting any such "consideration" has been placed on record, and the impugned order itself reflects none.

(d) Para 3 of the Reply states that the impugned direction dated 06.01.2026 was passed after the Show Cause Notice, *"which was duly responded by the appellant herein vide letter which was received on 21.01.2026"*. A direction issued on 06.01.2026 could not possibly have considered a reply received on 21.01.2026. The Reply is self-

contradictory on the very foundation of the impugned direction.

(e) The Appellant's reply received on 21.01.2026 has never been considered or disposed of by any order. Instead, 9 days after DPCC's own officials found the premises vacant on 03.02.2026, DPCC issued Reminder-I dated 12.02.2026 (Annexure A-2 to the Appeal) reciting that the addressee was *"found operating and engaged in the activity of Buffing of Stainless Steel Utensils"*, and repeated the same recital in Reminder-II dated 05.05.2026 (Annexure R-5), issued after the present Appeal had been filed. Neither Reminder so much as mentions DPCC's own inspection of 03.02.2026.

(f) The Reply seeks to supply, by way of affidavit, reasons such as "oral leases with no due diligence" and the owner's "residual control". None of these finds place in the impugned order, which contains no reasons at all, and they cannot now be pressed into service to sustain it. The validity of an order made by a statutory functionary must be judged by the reasons stated therein, and cannot be supplemented by fresh reasons in the shape of an affidavit: *Mohinder Singh Gill v. Chief Election Commissioner*, (1978) 1 SCC 405.

(VI) The Environmental Compensation is unsustainable in law and in quantum

20. That in *Delhi Pollution Control Committee v. Lodhi Property Co. Ltd.*, 2025 INSC 923 : 2025 SCC OnLine SC 1601 — a case in which the

Respondent DPCC was itself the appellant — the Hon'ble Supreme Court held as under:

> *"**30.** … This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.*
>
> *…*
>
> ***39.** For the reasons stated above: …*
>
> *(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation."*

21. That no determination of environmental damage or harm has been made in the present case; the impugned order records none. The compensation has been worked out mechanically on a formula under an office order dated 30.03.2022 (EC = 30 x 250 x 0.5 x 2 x N), with the number of days "N" taken as 30 under the default stipulation that applies where "N" "is not actually measurable or doubtful", all on the strength of a single inspection on a single day. The Reply does not point to any subordinate legislation, of the kind mandated by the Hon'ble Supreme Court, under which the compensation has been levied. An office order is not subordinate legislation.

22. That the amount so computed has further been doubled *"for operating the unit without consent under Air and Water Acts"*. This is contrary to DPCC's own Inspection Report, which records the answer "No" against "Water Polluting", and records the effluent discharge as domestic effluent discharged into the CETP (items 8 and 12 of Annexure R-1). The allegation in para 6 of the Reply of a violation of Sections 25/26 of the Water Act is thus belied by the Respondent's own record. Even otherwise, the Show Cause Notice was issued only under Section 31A of the Air Act.

(VII) The objection of limitation is misconceived; in any event, sufficient cause stands shown

23. That Section 16 of the National Green Tribunal Act, 2010 ("**NGT Act**") provides that an appeal may be preferred *"within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him"*, and its proviso empowers this Hon'ble Tribunal, if satisfied that the appellant was prevented by sufficient cause, to allow the appeal to be filed *"within a further period not exceeding sixty days"*. Limitation thus runs from communication, and the power of condonation extends to a further sixty days beyond the initial thirty, i.e., up to ninety days in all.

24. That the Respondent's computation in para 15 of the Reply that the appeal *"had to be preferred on or before 04.02.2026"* proceeds on the assumption that the direction dated 06.01.2026 stood communicated to the Appellant on the very date of its issue. No proof of dispatch or service of the said direction has been placed on record.

The Reply further misstates the proviso to Section 16 by asserting that the appeal may be allowed only *"beyond the said period of 30 days but not exceeding 60 days"*.

25. That the Reply is conspicuously silent on the fact most material to limitation. The Appellant first approached this Hon'ble Tribunal on 08.03.2026 by way of Original Application No. 255 of 2026, assailing the very same order dated 06.01.2026 and Reminder dated 12.02.2026. By order dated 24.04.2026 (Annexure A-8 to the Appeal), this Hon'ble Tribunal, recording the submission that the Original Application had been filed by mistake whereas an appeal lay against the impugned order, permitted its withdrawal "with the liberty as prayed", i.e., to file an appeal. The present Appeal was filed on 28.04.2026, within 4 days of the grant of liberty.

26. That the period from 08.03.2026 to 24.04.2026, during which the Appellant was prosecuting Original Application No. 255 of 2026 with due diligence and in good faith before this very Tribunal, is liable to be excluded on the principles of Section 14 of the Limitation Act, 1963. Section 14 is a beneficial provision which must be construed liberally, and applies even where the special statute prescribes an outer limit for condonation: *Consolidated Engineering Enterprises v. Principal Secretary, Irrigation Department*, (2008) 7 SCC 169. Its principles apply to appeals before tribunals even where the Limitation Act does not apply of its own force: *M.P. Steel Corporation v. Commissioner of Central Excise*, (2015) 7 SCC 58. Upon such exclusion, and even on the Respondent's own assumption that limitation commenced on 06.01.2026, the delay is only 35 days, as set out in IA No. 412 of 2026, well within the further period of sixty

days which this Hon'ble Tribunal is empowered to condone under the proviso to Section 16.

27. That, insofar as the Appeal assails the Reminder dated 12.02.2026, which itself directs the Appellant "once again" to deposit the compensation within 15 days, "failing which penal action shall be initiated", the Appeal is, upon such exclusion, within the initial period of 30 days itself: the Original Application was filed 24 days after the said Reminder, and the present Appeal was filed 4 days after the grant of liberty.

28. That the Respondent's reliance on Sections 14 and 15 of the NGT Act and on Rule 22 of the National Green Tribunal (Practice and Procedure) Rules, 2011 is wholly misplaced. Sections 14 and 15 deal with applications for adjudication of disputes and for relief and compensation, while Rule 22 deals with an "Application for review". None of them governs an appeal. The objection is evidently cyclostyled, as is also apparent from para 17 of the Reply, which refers to the Appellant as "his" and to "the Respondents".

29. That, in any event, sufficient cause stands shown. As set out in IA No. 412 of 2026, the Appellant resides in Uttarakhand, and upon learning of the impugned order, she had to travel to Delhi to seek legal advice and engage counsel, which consumed time. In the meanwhile, she also pursued her remedy before DPCC itself, in good faith, by submitting a detailed reply which DPCC received on 21.01.2026, and DPCC's own inspection of 03.02.2026 bore out her stand. Upon receipt of Reminder-I dated 12.02.2026 which, without adverting either to her reply or to DPCC's own inspection, once again

directed her to deposit the compensation, she approached this Hon'ble Tribunal within 24 days, and upon liberty being granted, filed the present Appeal within 4 days. There has been no want of diligence on her part at any stage.

30. That the expression "sufficient cause" is to be construed liberally so as to advance substantial justice, and a litigant does not stand to benefit by resorting to delay: *Collector, Land Acquisition, Anantnag v. Mst. Katiji*, (1987) 2 SCC 107; *N. Balakrishnan v. M. Krishnamurthy*, (1998) 7 SCC 123. No prejudice is caused to the Respondent by the Appeal being heard on merits, whereas the Appellant, if non-suited, would be saddled with a liability of Rs. 4,50,000/- for the acts of others, and would face disconnection of the water and electricity supply of her entire building, which houses her own lawful business.

PARA-WISE REPLY

31. That the contents of para 1 of the Reply are formal and call for no reply, save that no proof of service upon the Appellant of the Inspection Report dated 23.09.2025, or of the Show Cause Notice dated 08.10.2025, has been placed on record from the "record maintained by Delhi Pollution Control Committee" on which the deponent relies.

32. That the contents of para 2 of the Reply are a matter of record, and the Appellant craves leave to refer to the Appeal for its true scope and purport. It is, however, denied that the Environmental Damage Charges of Rs. 4,50,000/- were lawfully imposed upon the Appellant.

33. That the contents of para 3 of the Reply are denied as framed. It is denied that the Show Cause Notice dated 08.10.2025 was served upon the Appellant; a copy thereof was obtained by the Appellant from the office of DPCC, as stated hereinabove. Para 3 is, moreover, self-contradictory: a direction dated 06.01.2026 could not have been passed after considering a reply received on 21.01.2026. The impugned order itself merely recites that the addressee had "submitted reply" to a Show Cause Notice "dated 01.10.2025", without any consideration of it. The impugned direction was passed without affording the Appellant the hearing which she had sought, and her reply received on 21.01.2026 remains unconsidered till date.

34. That the contents of para 4 of the Reply are denied, save and except the admissions noticed hereinabove, namely, that the Appellant is the owner of the premises; that she operates M/s RJ Alloy Steel, a stainless steel trading concern, from the premises under a White Category Undertaking issued by DPCC; and that portions on the first and second floors were let out to tenants on oral leases. It is denied that the Appellant has suppressed any material fact or has not approached this Hon'ble Tribunal with clean hands; the Reply does not identify a single fact allegedly suppressed. On the contrary, every fact on which the Respondent now relies, the tenancy, the identity of the tenants and the cessation of the activity, was voluntarily disclosed by the Appellant to DPCC. It is denied that the Appellant was "in effective control" of the tenanted portions, which were in the exclusive possession and control of the tenants. The size of the

premises has no bearing on the question of who controlled the affairs of the activity carried on in the tenanted portions.

35. That the contents of para 5 of the Reply are denied, save as specifically admitted hereinafter. It is submitted sub-para-wise as under:

Sub-para (a): It is denied that any inspection "of M/s Rajni Gupta" was conducted on 23.09.2025. The Inspection Report (Annexure R-1) itself describes the unit and its owner only as "Owner/Occupier", and records that no responsible person was found. The said Inspection Report was never served upon the Appellant, and no notice of the inspection was ever given to her. The observations recorded therein are not within the Appellant's knowledge and are not admitted as against her. Whatever activity was being carried on was carried on by the tenants in the portions in their possession, and nothing in Annexure R-1 attributes it to the Appellant.

Sub-para (b): It is a matter of record that the Show Cause Notice dated 08.10.2025 was issued to "M/s Owner/Occupier". It is denied that it was served upon the Appellant; it was not even addressed to her by name. The said notice proposed the closure of a "Restaurant/Eating house", did not identify the portion allegedly offending, and did not enclose the Inspection Report or the photographs.

Sub-paras (c) and (d): It is denied that any reply on merits was received on 29.10.2025. Annexure R-3 is an email requesting an appointment so that the Appellant's case could be

presented. Even so, it clearly put DPCC on notice that the premises had been let out and that the pollution had been caused by the tenants. DPCC neither granted the appointment, nor heard the Appellant, nor made any inquiry against the tenants, and instead proceeded to issue the direction dated 06.01.2026. It is denied that the said email was "duly considered".

Sub-para (e): It is admitted that the Appellant's reply, received by DPCC on 21.01.2026 (Annexure A-7 to the Appeal), stated that the tenants had vacated the premises at her instance, that they alone were responsible for the activity, and that the Appellant is neither the polluter nor the occupier/operator of the activity, and that the Aadhaar details of the tenants were furnished therewith. The said reply has never been considered or disposed of by DPCC.

Sub-para (f): Admitted. The inspection of 03.02.2026 (Annexure R-4) found the premises vacant with no activity of any kind, and fully vindicates the Appellant.

Sub-para (g): It is a matter of record that Reminder-I dated 12.02.2026 and Reminder-II dated 05.05.2026 were issued. Both were issued mechanically, after DPCC's own officials had found the premises vacant on 03.02.2026, and both recite, without any reference to that inspection, that the addressee was "found operating". Reminder-II was issued after the present Appeal had been filed. The Environmental

Compensation has not been deposited because it is not payable by the Appellant.

36. That the contents of para 6 of the Reply are denied as against the Appellant. The Appellant has never carried on the activity of buffing; her own business is a stainless steel trading concern holding a White Category Undertaking, as admitted by the Respondent. The obligation to obtain consent and to install pollution control measures for the activity carried on in the tenanted portions rested upon the persons who established and operated that activity, namely the tenants. Further, the allegation of a violation of Sections 25/26 of the Water Act is contrary to DPCC's own Inspection Report, which records that the unit was not water polluting and that only domestic effluent was being discharged into the CETP.

37. That the contents of para 7 of the Reply are denied. It is denied that the impugned direction dated 06.01.2026 was passed "after considering the reply"; the order contains not a word of consideration of any reply, and on that date, the only communication from the Appellant was the email dated 29.10.2025 seeking an appointment, which was never granted. The Polluter Pays principle requires the polluter to pay, and the Appellant is not the polluter. It is denied that the compensation has been calculated as per any "established DPCC methodology" known to law; the calculation rests on an assumed period of 30 days and an unwarranted doubling, without any determination of environmental damage, contrary to the law laid down in *Lodhi Property Co. Ltd.* (supra).

38. That the contents of para 8 of the Reply are denied. It is submitted with reference to each of its limbs as under:

(a) *"Oral leases with no due diligence"*: Neither statute casts any duty upon a landlord to conduct "due diligence" of a tenant's consents, nor does the absence of a written lease convert a landlord into an "occupier". The tenancies stand established by the rent receipts (Annexure A-4 (colly) to the Appeal), and are, in any event, admitted by the Respondent.

(b) *"Knowledge/control (small size, rent receipts)"*: Denied. Receipt of rent is an incident of ownership, not of control over the affairs of the tenant's activity. The tenants were in exclusive possession of their respective floors, and the size of the premises is irrelevant. The tenants had taken the premises on rent stating that they would undertake small business, and the Appellant came to know that they had undertaken buffing only upon learning of the Show Cause Notice (para 7 and Ground (ix) of the Appeal).

(c) *"Continued to allow the activity until the SCN"*: Denied. The Appellant had no knowledge of the nature of the tenants' activity, and no inspection report, notice or communication of any kind was served upon her, before the Show Cause Notice came to her knowledge; she acted immediately thereafter. The eviction of the tenants is precisely what a law-abiding owner is expected to do; to describe it as "self-serving" is wholly unfair. DPCC's own inspection of 03.02.2026 confirms its efficacy.

(d) *"Occupier … residual control"*: Denied. The definition of "occupier" turns on control over the affairs of the factory or the premises; it does not extend to an owner who has parted with possession. The concept of "residual control" is unknown to the statutes. The submissions made under Preliminary Submission (III) hereinabove are reiterated.

39. That the contents of para 9 of the Reply are denied. It is denied that the Show Cause Notice was served upon the Appellant; no proof of dispatch or service has been filed. A notice addressed to an unnamed "Owner/Occupier" at a building with more than one occupant does not constitute service upon the Appellant, and the Inspection Report (Annexure R-1) was never served at all. The Appellant's awareness of the notice was fortuitous; her responding to it evidences her bona fides and is not a waiver of the illegality. The Appellant is not taking any "plea of ignorance" to avoid scrutiny, she has placed every fact before DPCC and before this Hon'ble Tribunal. It is denied that the Appellant turned a blind eye to the activities of her tenants; she acted promptly upon learning of them. It is DPCC that has turned a blind eye to the actual polluters, whose identity it admittedly possesses.

40. That in reply to the contents of para 10 of the Reply, it is admitted that the White Category Undertaking issued by DPCC is for "Light Engineering Work" of M/s RJ Alloy Steel. The Respondent's admission that the buffing operations were carried on "by tenants" is noted. It is denied that "misuse of premises vitiates the undertaking". The Undertaking pertains to the Appellant's own activity, which remains lawful; the independent activity of the

tenants in separate portions does not vitiate it, and no proceeding for its revocation has ever been initiated. In any event, the issue has no bearing on the Appellant's liability for Environmental Compensation.

41. That the contents of para 11 of the Reply are denied. Liability, if any, for the period of the alleged violation is that of the persons who carried on the activity. The assertion that "environmental damage was caused" is a bare one; no determination or assessment of environmental damage has been made or placed on record, as mandated by the Hon'ble Supreme Court in *Lodhi Property Co. Ltd.* (supra). No statute casts upon an owner the "duty" alleged.

42. That the contents of para 12 of the Reply are denied. Directions under Section 31A of the Air Act are preventive and remedial in nature, not punitive. The activity in question has long ceased, and the premises were found vacant by DPCC itself on 03.02.2026; there is no subsisting activity to prevent. Disconnection of the water and electricity supply of the entire building, which houses the Appellant's own lawful White Category business, would serve no purpose other than to punish the Appellant for the acts of others. The Hon'ble High Court of Delhi in *Sunita Aggarwal* (supra) has held that a landlady cannot be deprived of the use and enjoyment of her premises on account of the tenant's offending activities. The interim relief prayed for is, therefore, fully justified.

43. That the contents of para 13 of the Reply are denied as framed. The Appellant has, from the very outset, candidly stated that her tenants, who had taken the premises on rent for small business, were found to have undertaken buffing of stainless steel; it is the

very foundation of her case that the activity was theirs and not hers. The Appellant cannot be called upon to produce a consent which the tenants, as the operators, were bound to obtain, or to prove "zero emissions" of an activity which she never carried on. It is denied that the Appellant's reply was "considered but found unsatisfactory"; no order recording any such consideration has been passed or communicated to the Appellant, and none has been placed on record.

44. That the contents of para 14 of the Reply are denied as against the Appellant. The description of the activity as that of "the appellant unit" is incorrect; the Appellant's unit is M/s RJ Alloy Steel, a White Category trading unit, as admitted. Whether buffing is per se air polluting is immaterial to the question of who is liable for it.

45. That the contents of paras 15 to 17 of the Reply are denied. It is denied that the Appeal is barred by limitation, much less "ex facie" so. The submissions made under Preliminary Submission (VII) hereinabove are reiterated. It is denied that the Appellant has not stated valid reasons for condonation. IA No. 412 of 2026 sets out sufficient cause, namely the Appellant's residence in Uttarakhand and the time taken to engage counsel in Delhi, and her bona fide prosecution of Original Application No. 255 of 2026 from 08.03.2026 until its withdrawal with liberty on 24.04.2026. The Reply does not even advert to the said Original Application, the liberty granted on 24.04.2026 or the exclusion claimed under Section 14 of the Limitation Act, all of which therefore stand unrebutted. It is denied that any prejudice would be caused to the Respondent if the Appeal is heard on merits; on the contrary, grave and irreparable prejudice

would be caused to the Appellant if she is non-suited on a technical plea.

46. That the contents of para 18 of the Reply are denied. The averment that "the unit was aware" of the requirement of consent is denied as against the Appellant; the Appellant's own unit, M/s RJ Alloy Steel, holds the White Category Undertaking applicable to its activity. The tenants' activity cannot be attributed to the Appellant. The Appeal is meritorious on facts as well as in law.

47. That the contents of para 19 of the Reply are denied. It is denied that condonation of the delay, if any, would cause any prejudice to the statutory authorities. The Appeal and IA No. 412 of 2026 deserve to be allowed.

48. That the contents of para 20 of the Reply are denied. The Reply is devoid of merit and deserves to be rejected.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to:

(a) take the present Rejoinder on record and allow the Appeal, along with IA No. 412 of 2026, as prayed for; and

(b) pass such further or other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and for the ends of justice.

APPELLANT

THROUGH

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Place: New Delhi
Date: 19.10.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
APPEAL NO. 61 OF 2026
(IA NO. 412 OF 2026)

IN THE MATTER OF:

Rajni Gupta ... Appellant

Versus

Delhi Pollution Control Committee ... Respondent

AFFIDAVIT

I, Mrs. Rajni Gupta aged about 50 years w/o Mr. J.P. Gupta r/o Cottage No. 3, Sarna, Padampuri, Mukteswar, Nainital, Uttarakhand, presently in Delhi, do hereby solemnly affirm and state as under:

1) I say that I am the Appellant in the above-mentioned Appeal and as such, I am fully conversant with the facts, proceedings and circumstances of the case and hence competent to swear this affidavit.

2) I say that I have read and understood the contents of the accompanying Rejoinder and state that the facts stated therein are true to my knowledge and belief.

NOTARY
MANJU GUPTA
I.T.O.
Regd. No. 2104
Expiry Date
17-03-2027
GOVT. OF INDIA

Rajni Gupta

DEPONENT

VERIFICATION:

I, the deponent abovenamed, do hereby verify and state that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

16 OCT 2026

Verified on this ___ day of _____, 2026 at New Delhi.

Rajan Gupta

DEPONENT

NOTARY
MANJU GUPTA
I.T.O.
Regd. No. 2104
Expiry Date
17-03-2027
GOVT. OF INDIA

ATTESTED

NOTARY PUBLIC
NEW DELHI

16 OCT 2026