BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, AT NEW DELHI

O.A. No. 588 of 2025

IN THE MATTER OF :

Sanjay Sharan ...APPLICANT

VERSUS

Union of India and Others ...RESPONDENTS

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By the Respondent No.19

Through

VIKRAM SIMHA

Standing Counsel For State Of Karnataka

Having Office at MV Partners

No.42/2, Ground Floor, 10th Main

Malleswaram, Bengaluru-560 003

Place: New Delhi

Date: 16.11.2026

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PRELIMINARY REPLY FILED BY WAY OF AFFIDAVIT ON BEHALF OF STATE OF KARNATAKA/RESPONDENT NO. 19

I, Mr. Shantharama, S/o Nagappa, age: 51 years, presently working as Under Secretary, Energy Department, Government of Karnataka, having office at Vikasa Soudha, Bengaluru, do hereby solemnly affirm and state on oath as stated under:

1. I am duly authorised and competent to swear to the present affidavit on behalf of Respondent No. 19, namely the State of Karnataka. I am acquainted with the facts and records pertaining to the present matter in my official capacity.

2. It is submitted that the principal subject matter of the Original Application is the challenge to Notification No. G.S.R. 465(E) dated 11.07.2025 issued by the Ministry of Environment, Forest and Climate Change, Government of India. The answering Respondent has neither issued the impugned notification nor formulated the policy underlying it. The said notification has been issued by the Central Government in exercise of the powers conferred by Sections 6 and 25 of the Environment (Protection) Act, 1986. The justification for its issuance, the categorization of thermal power plants thereunder, and the scientific and policy materials relied upon are matters to be addressed by the Ministry and the concerned Central authorities.

NOTARY RAHIABI BENGALURU Reg. No. 20450 07-03-2030 GOVT. OF INDIA

SHANTHARAMA
Under Secretary to Government
Energy Department

3. It is submitted that the Applicant challenges the said notification on the ground that it dilutes the Sulphur Dioxide ("SO2") emission standards notified for coal- and lignite-based thermal power plants ("TPPs") on 07.12.2015. The Applicant contends that the timelines for compliance, as extended by the notifications dated 05.09.2022 and 30.12.2024, have been relaxed for TPPs falling under Categories B and C. The Applicant further contends that the categorization of TPPs and the corresponding exemptions are arbitrary and violate the principle of non-regression. It is further submitted that the Applicant's contentions are directed against the actions of the Central Government and therefore this Respondent have not traversed in this reply.

4. It is further submitted that, in the original prayers accompanying the Application served upon the answering Respondent, prayer B seeks directions against State Respondents Nos. 6 to 12. The State of Karnataka is Respondent No. 19, and no specific substantive prayer is expressly directed against it in those original prayers. Prayers A and C, and the interim reliefs, relate to the said notification and are directed to the Ministry of Environment, Forest and Climate Change. The amended memo of parties dated 24.08.2026 only adds the newly impleaded respondents and does not seek any amendment of the prayers. It is also relevant that this Hon'ble Tribunal, while permitting the impleadment of the answering Respondent vide order dated 21.08.2026, recorded the submission of the Applicant's counsel that the newly impleaded respondents are regulatory agencies responsible for implementation and regulation at the ground level. In these circumstances, the answering Respondent confines the present reply to its position as a State implementing the applicable statutory framework and leaves the defense of the impugned Central notification to the issuing authority.

NOTARY
RUKHIABI
BENGALURU
Reg. No. 20450
07-03-2030
GOVT. OF INDIA

SHANTHARAMA
Under Secretary to Government
Energy Department

5. It is submitted that the standards for TPPs under the Environment (Protection) Rules, 1986 are prescribed by the Central Government. The answering Respondent has no role in prescribing or amending those standards. The role of the State Government is limited to the implementation of the applicable laws, rules and directions within the State. The Energy Department of the State Government does not regulate emissions from any thermal power plant. The day-to-day enforcement of emission standards at the level of individual plants is carried out by the statutory authorities constituted under the applicable environmental laws.

6. It is submitted that the answering Respondent shall discharge its responsibilities in accordance with the applicable environmental laws and comply with the binding orders and directions of this Hon'ble Tribunal.

7. The answering Respondent respectfully seeks liberty to file a further reply and place relevant records before this Hon'ble Tribunal should any specific allegation or consequential relief concerning the answering Respondent be raised.

NOTARY
RUKHIABI
BENGALURU
Reg. No. 20450
07-03-2030
GOVT. OF INDIA

Identified by me:

Advocate

DEPONENT
SHANTHARAMA
Under Secretary to Government
Energy Department

Place: Bengaluru
Date: 16 NOV 2026

VERIFICATION

I, Mr. Shantharama, the deponent above named, do hereby verify that the contents of paragraphs 1 to 8 of the above reply are true and correct to my knowledge and based on the official records, and the submissions of law are believed by me to be true and correct.

Place: Bengaluru

Date: 16 NOV 2026

DEPONENT

SHANTHARAMA
Under Secretary to Government
Energy Department

Advocate for Respondent No. 19

NOTARY
RUKHIABI
BENGALURU
Reg. No. 20450
07-03-2030
GOVT. OF INDIA

Sworn/Solemnly affirmed & Signed before me
on this 16th day of NOV 2026 at Bengaluru
N.R.SI. No. 3089 No. of Corrections. Nil

RUKHIABI. Advocate & Notary Public Bengaluru