



**PUNJAB SYNDICATE BANK.**  
**SECTOR-49, DATE- 09-09-19**



**AAURVEDA CENTER KERALA.**  
**SECTOR-49, DATE- 09-09-19**



C-05, SECTOR-49, DATE- 09-09-19



C-05, SECTOR-49, DATE- 09-09-19



BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 241 OF 2019

In the matter of : -

Monika Srivastava ... Applicant

Versus

NOIDA and Ors. ... Respondents

**REPLY ON BEHALF OF RESPONDENT  
NO. 1, NEW OKHLA INDUSTRIAL  
DEVELOPMENT AUTHORITY**

MOST RESPECTFULLY SHOWETH:

I. Contents of para I of the application are formal and as such need no reply.

II. In reply to the contents of para II of the application, it is submitted that there exists no post of Director, Public Health in respondent NOIDA.

III. In reply to the contents of para III of the application, it is submitted that the answering respondent has done nothing in derogation to its duties to protect and improve the environment. The aforesaid is clear from the succeeding paragraphs of this reply:



## REPLY TO THE FACTS:

1. Except for the fact that the answering respondent has been constituted under the provisions of U.P. Industrial Area Development Act, 1976, the remaining contents of para 1 of the application are not correct. Under the provisions of the Act, the answering respondent has been constituted for the planned development of an integrated urban township within the notified industrial development area for the discharge of the duties set out in the said enactment.

2. In reply to the contents of para 2 of the application, it is clarified that the city of Noida has been planned in such a way that the entire sewer from the properties / flats etc. allotted by the answering respondent is sent through closed pipes into the sewer system, which is connected to a number of Sewage Treatment Plant (STPs). These STPs are state of art facilities. No sewer or sludge is permitted to be thrown into open drains outside any of the allotted properties.

So far as what are called the Shahadra drain and the NOIDA drain, it may be noticed that these 2 drains have existed prior to the coming to the existence of the city of Noida for the purpose of carrying storm water from the Delhi region . These are drains originating from



the territory of Delhi and thereafter they enter Noida.. The Shahadra drain falls under jurisdiction of the Irrigation Department of Govt. of NCT of Delhi. As regards the Noida drain it is clarified that when this drains travels within the Delhi area it is called the Delhi drain, but within the Noida region it is called the Noida drain. The Delhi region falls under the jurisdiction of the Irrigation Department of Govt. of NCT of Delhi while the Noida region is looked after by the Irrigation Department , Govt. of U.P.

No sewer from any sector within of the developed city of Noida is discharged either into the Shahadra drain or the Noida drain.

Since a large no. of unauthorized colonies had come up along these drains at the stage while they are in the Delhi territory, the sewer etc. is being discharged into these drains, as a result , polluted water from Delhi has been flowing in these drains entering Noida area and going back to Delhi area where they merge into River Yamuna. The resultant pollution in these drains had been the subject matter of Public Interest Writ Petition before the Hon'ble Supreme Court i.e. Writ Petition (C) Nos. 725 of 1994 and Writ Petition (C) Nos. 914 of 1996. These writ petitions, later on, after the constitution of this Hon'ble Tribunal had been transferred to this Hon'ble Tribunal and numbered as M.A. No. 276 / 2017 and M.A. No. 527 / 2017 respectively. The cases



were taken up together with other connected matters concerning pollution in River Ganga and Yamuna and were disposed off some time ago.

It is relevant to submit that the installed capacity of the STPs in the city of Noida is 231 MLD , which is much more than the actual requirement. The treated STP water meets with the required standards. This water is being made available for construction purposes and for watering the parks in NOIDA . This aspect has been placed on record in the case of Vikrant Tongad vs. Union of India i.e. in O.A No. 59 of 2012.

It is further brought to the kind notice of the Hon'ble Tribunal that there are 6 nos. of STPs installed and functional in the City of Noida having capacity of 231 MLD as stated above. The entire sewerage generated in Noida, as stated above, is brought to the STPs in concealed pipes. The average discharge of sewerage in the entire city of Noida for the last 6 months i.e. for the period from January to June, 2019 is 192 MLD. It is categorically stated that no quantity of sewerage whatever is discharged in any open drain from the property allotted by NOIDA. Any suggestive contention of the petitioner that sewer is being discharged in the drains is not correct. A Report prepared by the concerned Department showing the installed and



generated sewerage is being annexed hereto and marked as ANNEXURE R/1/1 to this reply.

3. Contents of para 3 of the application as stated are not correct. There are no Rural Settlements within the city of Noida. No doubt, certain abadi areas in the erstwhile villages had been left out of acquisition but these were the residential areas within that village. These area also have sewer system / connection which is developed and maintained by the answering respondent. It is not correct that the storm water drains act as irrigation canals as alleged in para 3 of the application. While developing sectors , besides sewer lines, NOIDA has laid and maintains a network of storm water drains, which are carrying the rain water but not any sewer discharge. These small sized drains in every sector are connected to about 30 nos. of larger drains, which are emptied in the Kondli / Noida drain.

At this stage, it may be relevant to submit that in the cognate case, namely O.A No. 1002 / 2018, Abhist Kusum Gupta vs. State of U.P. and ors, the CPCB has submitted an Inspection Report regarding Kondli / Noida drains. However, a perusal thereof confirms that COD and BOD levels in these drain are far higher in the Delhi Region compared to the level when they flow in Noida and ultimately join in river Yamuna. The aforesaid findings given by CPCB clearly point out



that water is not getting polluted in Noida region. On the contrary, as a result of the action taken by the Answering Respondent, in fact, the COD and BOD levels are substantially reduced when the water in these drains leave Noida region.

4. Contents of para 4 of the application are not correct. The storm water drains, which have been laid by the NOIDA are essentially for the purpose of carrying away rain / storm water. To prevent soil erosion, most of these drains are lined with bricks. The drains are not meant for enriching the ground water level / water harvesting. NOIDA has framed sufficient Regulations for rain water harvesting as part of its Bye-laws for enriching the ground water level. Above all, with a view to provide a clean environment, the respondent Authority has developed about 16% of the total area of the city as greens, where lakhs of trees and shrubs have been planted thereby ensuring that rain water percolates and recharges the ground water. The answering Respondent also takes sufficient care in de-silting all its drains. As a result of the efforts taken by the answering respondent there is hardly any water logging in the Noida city except when there is a very heavy downpour. But this water is quickly drained away or taken care of by employing pumps e.g. at the site of under passes.



5. In reply to the contents of para 5 of the application, it is submitted that storm water drains across the city of Noida are regularly cleaned. The Public Health Department looks after this work. Unlike the Delhi area, there is hardly any water logging the city of Noida. No flooding takes place in Noida city. Temporarily there could be water logging during times of a very heavy downpour. It is clarified that in the case of heavy downpour at any point, large capacity pumps are engaged and it is ensured that water is pumped out and normalcy is restored. For the under-passes, which by their nature are low lying areas, the availability of pumps is ensured.

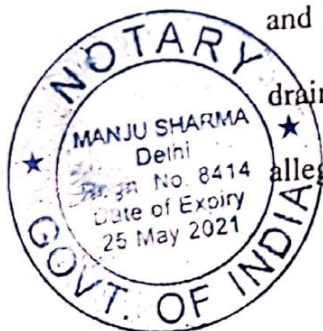
6-7. The allegations made in the paragraphs 6 and 7 of the application that the storm water drains across the city of Noida are filled with pollutants, sewage, muck and other untreated discharges from the residential as well as industrial areas is wrong and denied. No sewage or pollutants is permitted to enter the storm water drains from the residential or industrial areas etc since each allotted property allotted by the respondent authority has a sewer connection. A few photographs in this regard are annexed hereto and marked as ANNEXURE R-1/2.

In the past, there has been some stray incidents of pollution in the storm water drains by some industrial units, which were brought to the notice of this Hon'ble Tribunal, for example in the case of O. A. No. 56



of 2018. Such polluting units have been dealt with in accordance with law.

The silt is regularly removed from the storm water drains by the Public Health Department. Since the drains are regularly cleaned / de-silted, the allegation that these drains become breeding ground for filth and diseases is disputed and denied. It is denied that these drains are used as dumping ground for the use of industries. For cleaning the storm water drains, NOIDA has employed contractors. As per the terms of contract, the smaller drains are cleaned twice a week. Drains, which have width of more than 1 mtr., as per schedule, are cleaned once in a year before the onset of the monsoon. However, cleaning is also undertaken if required earlier. Thus the allegation that either there is no schedule for cleaning of the storm water drains or that they remain choked resulting in release of toxic Gases, is disputed. The photocopies of the photographs filed as Annexure - C are so dark, being black and white, that nothing is visible therein. However, the staff of the Authority has submitted a Report that there is no drain, which is choked or where sewer water is over flowing on the streets. As stated earlier, every house like the one in which the Applicant is residing has a sewer connection and no sewer is capable of being discharged in the rain / storm water drains. Even otherwise, the location of the site of which Annexure C is alleged to be a photograph is not mentioned anywhere in the application.

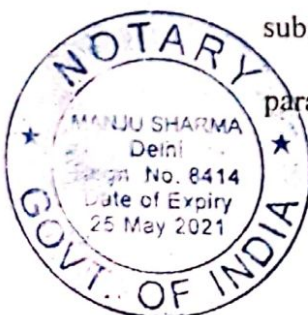


In the absence of identification, no further comments on the allegation, except denial is capable of being submitted to this Hon'ble Tribunal.

8. The allegation made in para 8 of the application that gases are emanating from the storm water drains is disputed and denied. The allegation, besides being vague and is without any scientific data. Corrosion could be traceable to a variety of factors.

It is, however, brought to the kind notice of this Hon'ble Tribunal that some of the residents do cover-up the storm water drains running along their properties. This does hamper their cleaning. Instructions have been issued to the Public Health Department and the concerned Project Engineers that the covering of drains, on permanent basis outside the house etc be not permitted and in case of default, action be initiated so that cleaning of rain water drains is not hampered. Of course, for the purpose of safety, temporary covering of the drains outside the houses is not objected to, provided it causes no obstruction to cleaning the drains.

9. The allegations made in para 9 of the application are disputed and denied. It is incorrect to allege that there is zero maintenance of these drains. The schedule for cleaning of the drains has already been submitted in para 6-7 above. Those contents are reiterated in reply to para 9 of the application.



10. The allegations made in para 10 of the application are vague and denied. When untreated water from the houses is not allowed to fall into or join the storm water drains outside the houses (since there is a concealed pipe line for sewer connection) it is incorrect to allege these storm water drains emit unpleasant odor. The allegation is too vague and is incapable of submitting any further reply.

11. In reply to the contents of para 11 of the application, it is submitted that during the de-silting, the silt has necessarily to be collected at the side of the drain. This is for the reason that the excess water gets drained out before the silt can be transported. The silt takes approximately 3 to 4 days to dry-up, whereafter it is lifted. The silt is transported to the designated facility in Sector 145, which is properly lined, so that there is no chance of seepage into the ground water. De-silting is done before onset of monsoon, therefore, it is incorrect to stage the same flows back into the drain. All the allegations made in para 11 of the Application are wrong and denied.

12. Contents of para 12 of the application are repetitive and stands replied by para 8 above. Those contents are reiterated.



13. Contents of para 13 of the application as stated are vague and, therefore, incapable of any specific reply. The Applicant has not set out as to what efforts she has made or what assistance she has sought from the answering Respondent with regard to her contention requiring regular cleaning of drains in and around Sector 49. It has already been submitted that there is a regular schedule for cleaning of drains including the drains in and around Sector 49. It is denied that the drains are in a pathetic condition or they posed any hazard to health or any property or the environment as alleged.

14. In reply to the contents of para titled ' GROUND'S' it is submitted that the factual averments made in the application have been replied in the earlier para of this reply. All the grounds urged in support of the application are disputed and denied while factual averments are reiterated.

15. The contention raised in para 14 of the application that there is continuous cause of action is disputed. It is reiterated that storm water drains are not permitted to carry untreated water / sewerage etc.

16. It is, however, submitted that like every city , Noida is also facing the problem of littering and throwing of polythene bags, thermocol etc. into the drains by the persons, who are either residing nearby those



drains or who happened to pass along the drains. This is a human problem, which subject to directions by the Hon'ble Tribunal, requires to be tackled primarily at two levels. Firstly, by spreading public awareness that throwing of polythene, thermocol or any other discarded item / materials should not be done either on the streets or thrown into the open drains. NOIDA has an elaborate arrangement for collection of garbage from every Sector, thus, obviating any need to either litter the garbage in the streets or throw them in the open drains. The second aspect is authorizing / empowering the officials of the Authority or such other official as the Hon'ble Tribunal may deem fit, for imposition of and recovery of fines for littering or throwing anything whatsoever in the storm water drains or elsewhere. It is brought to the notice of the Hon'ble Tribunal that in the case involving air pollution, this Hon'ble Tribunal had been pleased to impose fine whether on individual or on Companies, who were burning leafs / garden waste etc. or not covering construction materials at the sites. Under orders of the Hon'ble Tribunal, fine / penalty could be imposed. As far as NOIDA is concerned, subject to the orders of the Hon'ble Tribunal, there is a proposal to install wire meshes near commercial area, culverts and other garbage vulnerable points, so that anything, that is thrown could be checked and cleaned on periodical basis at these points, thus, obviating any need to either litter the streets or throw them in the open drains.



17. In the premises, it is respectfully submitted that the Applicants have not made out any case for grant of any of the relief prayed in the Application under reply. The application is liable to be rejected. However, the answering respondent undertakes to carry out all directions which this Hon'ble Tribunal deems fit and proper to issue from time to time .

It is prayed accordingly.

NEW DELHI  
DATED: 02.07.2019

NOIDA AUTHORITY

through

(Ravindra Kumar)  
Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 241 OF 2019

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... Applicant

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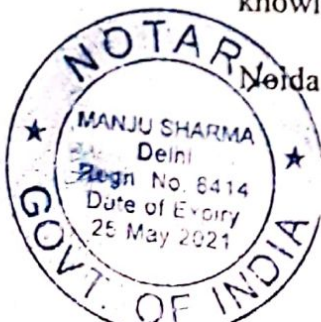
**AFFIDAVIT**

I, Ritu Maheshwari, wife of Sh. Mayur Maheshwari, aged about 41 years, presently posted as Chief Executive Officer, NOIDA, presently at New Delhi, do hereby solemnly affirm and state as under:

1. I am presently posted as Chief Executive Officer with the New Okhla Industrial Development Authority and as such well conversant with the facts deposed herein below and is authorised to file the accompanying reply to the O.A.

2. I state that the accompanying reply which has been drafted under my instructions. I have perused the same and state that the factual contents stated in the accompanying reply are true and correct to my knowledge as derived from the records maintained in the Office of the

Noida Authority.



DEPONENT

VERIFICATION:

Verified at New Delhi on this the 02<sup>nd</sup> day of Aug, 2019  
that the factual contents of this affidavit are true and correct to my  
knowledge as derived from the records and that nothing stated herein is  
false and nothing material has been concealed therefrom.

*[Signature]*

DEPONENT



CERTIFIER THAT THE CONTENTS EXPLAINED  
TO THE DEPONENT EXECUTANT WHO  
APPEARS PERFECT TO UNDERSTAND &  
AFFIRM / DEPOSE BEFORE ME AT DELHI  
ON 02/08/19 IDENTIFIED BY

*[Signature]*  
IDENTIFIED THE EXECUTANT/DEPONENT  
WHO HAS SIGNED IN MY PRESENCE

*Ravuli Kewu Adw*


ATTESTED

*[Signature]*  
NOTARY, DELHI  
REGN. No. 8414  
GOVERNMENT OF INDIA  
9212325285

Annexure-1

ACTUAL AVERAGE DISCHARGE OF EXISTING STPs IN NOIDA CITY  
Period JAN - 2019 to JUNE - 2019

S.No.	LOCATION OF STP	TECHNOLOGY OF PLANT	CAPACITY OF PLANT (IN MLD)	ACTUAL AVERAGE DISCHARGE (IN MLD)
1	SECTOR-54 NOIDA	SBR	33	25.00
2	SECTOR-54 NOIDA	I-SBR	54	45.00
3	SECTOR-50 NOIDA	SBR	25	22.00
4	SECTOR-50 NOIDA	I-SBR	34	31.00
5	SECTOR-123 NOIDA	SBR	35	33.00
6	SECTOR-168 NOIDA	SBR	50	36.00
	Gr. Total		231	192



A.K. Varun  
Manager (Jal-OA)  
Noida



Gurvinder Singh  
Sr. Manager (JAL-OA)  
Noida