

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

Original Application No. 165/2024/EZ

IN THE MATTER OF:

Dr. Rinju Bharali & Anr.

...Applicant(s)

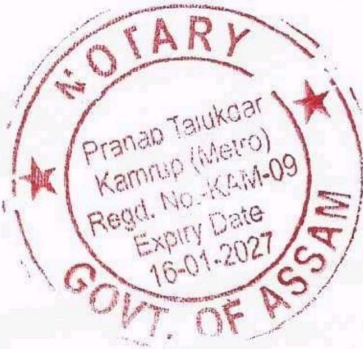
Versus

State of Assam

...Respondent(s)

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Filed by:

Narendra Pal Singh
17/59/195

(NARENDER PAL SINGH)
Advocate for Respondent No. 04
Ch. #8 Lawyers Chamber,
Patiala House Courts,
New Delhi-110001
K-18, Level-1,
Green Park Main,
New Delhi -110016
E-mail- danubeconsulting@gmail.com
Mobile 9311010090

New Delhi
Dated: 20/01/2025

Pranab Talukdar

Pranab Talukdar
NOTARY
Kamrup (Metro), Guwahati
Regd.No.-KAM-09

ROYAL AWAS NAGAON
Saurabh Pansari
PARTNER

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA**

Original Application No. 165/2024/EZ

IN THE MATTER OF:

Dr. Rinju Bharali & Anr. ...Applicant(s)

Versus

State of Assam ...Respondent(s)

**REPLY ON BEHALF OF M/S ROYAL AWAS, URIAGAON, NAGAON, ASSAM
(RESPONDENT NO. 4)**

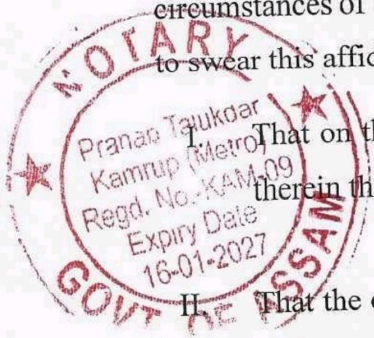
Most Respectfully Showeth:

I, Saurav Pansari, S/o Sh. Sushil Pansari R/o 1st Floor, NH Centre Point, Ulubari, Guwahati-07, Assam, currently working as Partner of M/s Royal Awass, Uriagaon, Nagaon, Assam, do hereby solemnly affirm and state as under:

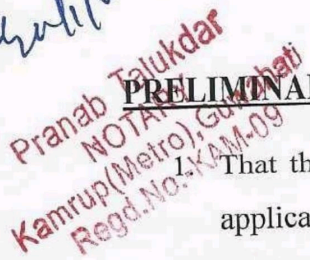
That I, in my official capacity in the M/s Royal Awass, Uriagaon, Nagaon, Assam, i.e. Respondent No. 04 in the above-mentioned matter, I am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.

I, That on the very outset the Respondent No. 04 deny each and every allegation made therein the petition except that of those specially admitted herein below.

II. That the contents of the petition have been read over by Respondent No. 04 and reply to the same is as follows, besides, filing para wise reply to the same the respondent is filing a short reply with preliminary objections and if need arise than a detailed reply will be filed at later stage with the permission of the Hon'ble Court.



Pranab Talukdar



PRELIMINARY SUBMISSIONS:

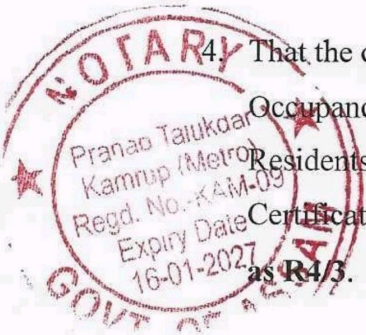
That the present application is not maintainable either in law or in facts. Even the applicants have concealed the material facts from this Hon'ble Tribunal and has not

ROYAL AWASS NAGAON
Saurav Pansari
PARTNER

approached with clean hands and the same is liable to be dismissed being baseless and incorrect.

2. The reply is being filed on behalf of Respondent No. 4, M/s Royal Awas, Uriagaon, Nagaon, Assam, in compliance with the Hon'ble Tribunal's order dated 20.09.2024, wherein the Respondent was impleaded as a party and directed to file its counter-affidavit. At the outset, the Respondent denies all the allegations made by the Applicant in the letter petition dated 26.09.2023 and reserves the right to file a detailed reply if the need arises, with the permission of this Hon'ble Tribunal. The copy of the order dated 20.09.2024 is **Annexed as R4/1**.
3. That the Respondent No. 4 is a mixed-development housing project located at Uriagaon, Nagaon, Assam, comprising 168 residential units and two commercial shops. The project was launched in November 2018 with the mission to provide affordable housing for the Lower-Income Group (LIG), Economically Weaker Group (EWG), and Middle-Income Group (MIG) segments of society, with flats priced starting from ₹11.99 lakhs.
4. That the construction of the project was completed by the year 2021, and the necessary Occupancy Certificate was issued from the Uriagaon Gaon Panchayat on 08.03.2022. Residents started occupying the flats gradually thereafter. The copy of the Completion Certificate is **Annexed as R4/2** and the copy of the Occupancy Certificate is **Annexed as R4/3**.
5. That the project incorporates facilities like rainwater harvesting, terrace gardens, a clubhouse, and a gymnasium, reflecting the commitment to sustainability and environmental responsibility. The Respondent undertook all construction activities with the requisite permissions from the Uriagaon Gaon Panchayat. It is pertinent to note that, during the period of construction, the area was not governed by the Town Development Authority or any Municipal Corporation. Thus, the permissions obtained were lawful and in accordance with the governing legal framework.

That the Applicant's allegations concerning damage to the ecosystem and improper waste disposal are entirely baseless. The Respondent has made significant efforts to



Pranab Talukdar
 NOTARY
 Kamrup (Metro), Assam
 Regd. No. - KAM-09

ROYAL AAWAS NAGAON
Sauvan Pansari
 PARTNER

ensure compliance with environmental norms, demonstrating its commitment to sustainability and ecological balance.

7. That the Respondent unequivocally denies the Applicant's allegations of dumping construction and demolition waste on the banks of River Kollong. It is pertinent to mention herein that during the construction phase (November 2019 to January 2022), all debris was managed responsibly and relocated to an alternative site within a 3 km radius of the project area. Strict protocols were maintained to safeguard the river's ecosystem. Moreover, no damage has been caused to aquatic life, flora, fauna, or the riverine ecosystem due to the Respondent's project. The Applicant's claims are devoid of merit and appear to be based on unfounded assumptions rather than facts.
8. The Respondent has also installed the STP and all wastewater generated from the project is treated and discharged in strict adherence to applicable environmental standards and norms.
9. That the Respondent has fully complied with all applicable environmental norms and has implemented necessary measures to prevent any form of pollution. In view of these facts, the allegations made by the Applicant are entirely baseless, unfounded, and lack merit. It is therefore respectfully submitted that the petition is liable to be dismissed in its entirety.

Furthermore, it is respectfully submitted that the present petition is barred by the law of limitation as prescribed under Section 14(3) of the National Green Tribunal Act, 2010, which mandates that applications must be filed within six months from the date of cause of action, extendable by a maximum of 60 days if sufficient cause is shown.

It is therefore, submitted that the present Original Application may kindly be dismissed for the reason stated above and pass such further orders as this Hon'ble Tribunal deems fit in the interest of justice and equity.

ROYAL AAWAS NAGAON

Sauvan Pansari
PARTNER
DEPONENT

VERIFICATION

Pranab Talukdar
NOTARY
Kamrup(Metro), Guwahati
Regd.No.-KAM-09

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 04 in daily course of its business, no part of it is false and nothing material has been concealed there from.

Verified at Guwahati on this 24th day of January, 2025

ROYAL AAWAS NAGAON
Saujan Pansari
 DEPONENT PARTNER

Monirul Islam

MONIRUL ISLAM
 Advocate
 Gauhati High Court
 Enrollment No: 3558 / 2022

Pranab Talukdar

Pranab Talukdar
 NOTARY
 Kamrup(Metro), Guwahati
 Regd.No.-KAM-09



Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.165/2024/EZ
(Earlier O.A. No.671/2024/PB)

Dr. Rinju Bharali & Anr.

Applicant(s)

Versus

State of Assam

Respondent(s)

Date of hearing: 20.09.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *None*

ORDER

1. Case called out. No one is present on behalf of the Applicants.
2. Issue notice to Dr. Rinju Bharali, the Applicant, returnable within four weeks.
3. The Original Application No.671/2024/PB was registered by the New Delhi Bench of the Tribunal on the basis of a letter petition dated 26.09.2023 sent by the Applicant, Dr. Rinju Bharali, R/o B-814, Royal Awas, Uriagaon, Nagaon, Assam, alleging therein that construction project is going on near river Kollong by one M/s. Royal Awas, Uriagaon, Nagaon, Assam, a developer and builder who is dumping debris i.e. construction and demolition waste, on the bank of river Kollong thereby causing damage to aquatic life, flora and fauna, affecting smooth flow of river, riverine and eco-system.
4. Considering the allegations, the New Delhi Bench constituted a Joint Committee comprising of the following Members:-

- (i) Principal Secretary, Water Resources, Department of Water Resources, Govt. of Assam,
 - (ii) Deputy Commissioner, Nagaon, Assam,
 - (iii) Assam State Pollution Control Board,
5. The Committee was directed to visit the site in question and submit its Report and if there is any violation, it was also directed to take preventive, prohibitive, punitive and remedial action within two months.
6. Thereafter, the said Original Application was transferred by the New Delhi Bench of the Tribunal vide its order dated 12.07.2024 to the Eastern Bench of the Tribunal and the case has now been re-numbered as Original Application No.165/2024/EZ.
7. Respondents have not been impleaded by the New Delhi Bench of the Tribunal. We, therefore, direct the following be impleaded in the array of Respondents:-
- (1) Principal Secretary, Water Resources, Department of Water Resources, Govt. of Assam,
 - (2) Deputy Commissioner, Nagaon, Assam,
 - (3) Assam State Pollution Control Board,
 - (4) M/s Royal Awas, Uriagaon, Nagaon, Assam
8. Issue notice to the Respondents, returnable within four weeks.
9. Ms. Malabika Roy Dey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1&2, State Respondents, Government of Assam.
10. Mr. Surendra Kumar, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.3, Assam State Pollution Control Board.

11. Issue notice to the Respondent No.4, M/s Royal Awas, Uriagaon, Nagaon, Assam, Private Respondent, returnable within four weeks.
12. The Office of the Tribunal shall also issue notice to the two Applicants who are complainants in the letter petition.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. The Deputy Commissioner, Nagaon, Assam, shall also file the Committee Report on affidavit within four weeks.
15. The Counsel for the parties may collect the e-copy/soft copy of the Original Application along with its annexures from the office of the Tribunal within one week.
16. **List on 26.11.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

September 20, 2024,
Original Application No.165/2024/EZ
(Earlier O.A. No.671/2024/PB)
AK

BANKA & ASSOCIATES

ARCHITECTS * ENGINEERS * INTERIOR DESIGNERS

FORM NO. - 17
BUILDING COMPLETION CERTIFICATE BY ARCHITECT ON RECORD

To
The President & Secretary
Uriagaon Gaon Panchayat
Nagaon, Assam

NOC NO. UGP/01/18-19/21 Dated: 27.07.2018

RENEWAL NOC No. **UGP/01/18-19/22 Dated: 18-02-2022**

Owner's Name: **ROYAL AAWAS NAGAON**

Location: *Uriagaon, Nagaon, Dist. Nagaon, Assam*

Sir,

1. The building has been constructed according to the sanctioned plan incorporated with some minor changes shown in the drawings enclosed.
2. Construction has been done under our supervision.

ROYAL AAWAS NAGAON
Santosh Banka
Jayodia
PARTNER



Signature of the Owner
Date -----

Signature of Architect on Record
Date -----

SANTOSH BANKA, B. ARCH. REGN. NO. CA/99/24049,
Association Reg.No.GMDA/RTP/Engg/ERCH/90/9, GMC Regn. No. GMC/CTP/03/GR/004

3RD FLOOR, N.H. CENTRE POINT, OPP. BORA SERVICE PETROL PUMP, ULUBARI,
GUWAHATI-7, ASSAM

URIAGAON GAON PANCHAYAT

URIAGAON :: NAGAON :: ASSAM

OCCUPANCY CERTIFICATE


To,
M/s Royal Aawas Nagaon
Uriagaon, Nagaon, Assam

Sir,


This is to certify that the construction of approved FAR area Block-A 2595.52 Sq. Mtr. (Residential G+8), Block-B 7271.92 Sq. Mtr. (Residential G+8), Commercial Block 1264.13 Sq. Mtr. (G+2) of Residential-Cum-Commercial project Royal Aawas Nagaon Permitted vide NOC. No. UGP/01/19-19/21 Dated 27.07.2018 & Renewal NOC No. UGP/01/18-19/22 Dated 18.02.2022. the said project is constructed on As Built FAR area Block-A 2595.52 Sq. Mtr. (Residential G+8), Block-B 7537.92 Sq. Mtr. (Residential G+8 & Terrace Plan), Commercial-cum- Residential Block 1295.88 Sq. Mtr. (B+G+2) on the existing plot of land area = 3B-3K-14L covered by Dag No. 26, 27 Patta No. 301 and New plot of land area = 0B-1K-10L covered by Dag No. 32 Patta No. 18, Total Land Area = 4B-0K-4L, of Revenue Village Uriagaon, Mouza: Singia Putani, completed under the supervision of Architect Banka & Associates, 3rd Floor, N.H. Center Point, Opp: Bora Service Petrol Pump, Ulubari, G.S. Road, Guwahati-781007, is permitted to occupy based on the following-

1. As per Completion certificates submitted by Architect, as built drawings showing plot area and built up areas.
 - Completion Report Form No. 16.
 - Certificate by Architect on record Form No. 17.
 - Construction Engineer on record Form No. 18.
 - Certificates by Structural Engineer on record Form No. 19.

Further, you are directed to ensure terms & conditions of the NOC issued earlier. One set of completion plan duly certified is returned herewith.


Secretary
Uriagaon Gaon Panchayat
Date 08/03/2022

Secretary
Uriagaon Gaon Panchayat


President
Uriagaon Gaon Panchayat
Date 08/03/2022

Yours Faithfully,

President
Uriagaon Gaon Panchayat