

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

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**INDEX**

IN

**ADDITIONAL AFFIDAVIT FOR OBJECTIONS**

**On Behalf of**

Vipin Nayyar aged around 51 years Son of Shri  
Surinder Kumar Nayyar Resident of 108/305 Gali No.  
8, Veerbhadra Marg, Rishikesh, District  
Dehradun. ....Original Applicant

IN

**ORIGINAL APPLICATION No. 463 of 2022**

IN THE MATTER OF:

**Vipin Nayyar**

.....Applicant

**Versus**

**Union of India & Others**

.....Respondents

**NDOD : 09.05.2025**

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Filed by



Vipin Nayyar

(Applicant in Person)

108/305 Gali No.8 Veerbhadra Marg

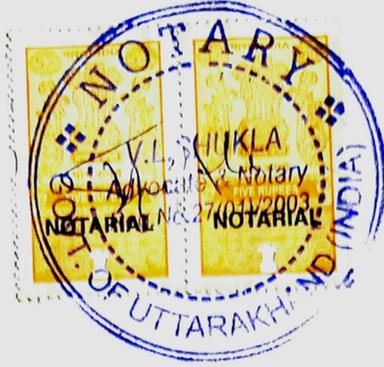
Rishikesh-249201, Uttarakhand

Filed on : 21.04.2025

Mobile No. 8006286662

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**ORIGINAL APPLICATION No. 463 of 2022**

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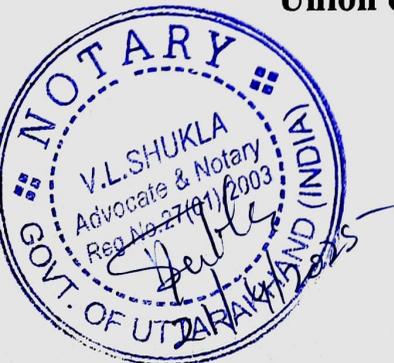
**Vipin Nayyar**

.....Applicant

**Versus**

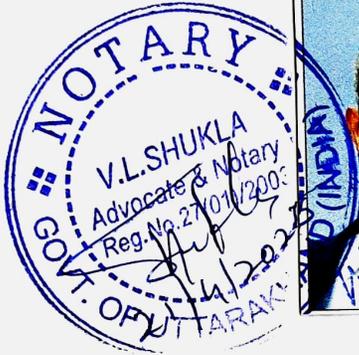
**Union of India & Others**

.....Respondents



*[Handwritten signature]*

**ADDITIONAL AFFIDAVIT BY THE ORIGINAL  
APPLICANT FOR OBJECTIONS TO THE  
STATUS REPORT FILED BY THE CHIEF  
ENGINEER IRRIGATION ON 18.03.2025**



Affidavit of Vipin Nayyar  
(Male) aged about 51 years,  
son of Shri Surinder Kumar  
Nayyar, r/o 108/305 Gali No.8  
Veerbhadra Marg, Rishikesh  
District Dehradun.

**DEPONENT**

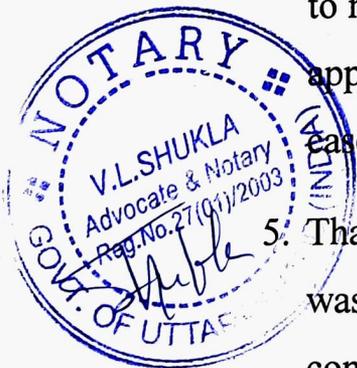
I, the deponent above named do hereby solemnly affirm and state  
on oath as under :—

**Preliminary Submissions**

1. That I, the deponent above named is the applicant in the  
aforesaid Original Application and as such he is fully  
conversant with the facts and circumstances of the case,  
hence competent to swear this Additional Affidavit.



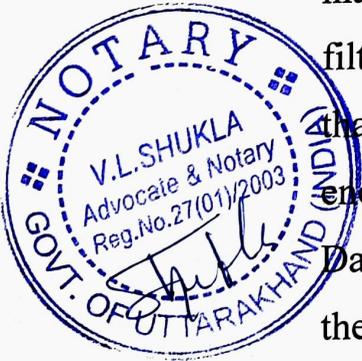
2. That the instant additional affidavit is being filed for objections to the Status Report filed by Chief Engineer Irrigation Dehradun on 18.03.2025 in compliance with the Order Dated 27.11.2024 passed by the Hon'ble Tribunal in the matter captioned above.
3. That as a counter blast to the present OA, respondent no. 6 and respondent no. 7 in connivance with advocate Kshitij Gopal Kalra under a criminal conspiracy managed to institute a completely false and fabricated Rape Case and a case under POCSO Act against the applicant and he was in prison at Suddhowala Jail in Dehradun since 24.10.2024 and due to circumstantial compulsions the applicant could not appear before the Hon'ble Tribunal at various dates and could not file his reply in time and for that the applicant bow down before the Hon'ble Tribunal.
4. That respondent no. 6 and respondent no. 7 along with advocate Kshitij Gopal Kalra are continuously extending threats to the applicant and his family and have threatened to make an acid attack on the applicant's daughter in case I appear before the Hon'ble Tribunal to pursue the present case.
5. That the applicant was enlarged on bail after the chargesheet was filed but the social life of the applicant has been completely ruined and now he is living under constant threat on his life as well as lives of his family members.



A handwritten signature in blue ink, appearing to be 'V.L. Shukla', located at the bottom right of the page.

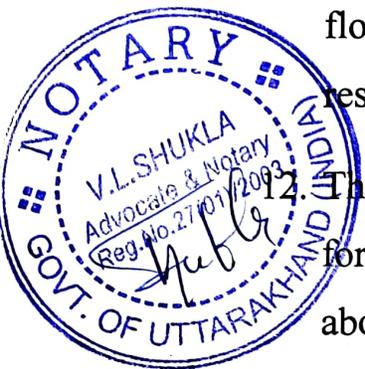
**Para wise Reply to Status Report**

6. That contents of para no. 1 and no. 2 require no comments.
7. That the contents of para no. 3 are only denied to the extent that the Chief Engineer in his status report has mistakenly mentioned the total span of Veerbhadra Barrage at Rishikesh as 312 meters whereas in para no. 6 of the Status Report the correct length of 1.73 Kilometers of Veerbhadra Barrage is disclosed.
8. That the contents of para no. 4 and no. 5 require no comments.
9. That the contents of para no. 6 are only denied to an extent that "Respondent No. 6 —Hotel Ganga Forest View is located outside the designated reservoir area of barrage", whereas it was found in the Joint Inspection Report annexed at **page no. 54 to no. 60 (at page no. 55 point no. 5)** of the main record that Respondent No. 6 has encroached upon the filter trench of Chilla Hydroelectric Project. It is submitted that Respondent No. 6 Hotel Ganga Forest View has encroached upon an extremely important co-structure of the Dam meant for emergency evacuation of flood water along the Veerbhadra Barrage at Rishikesh and for that reason Writ Petition No. 2242 of 2024 *Vipin Nayyar Vs State of*



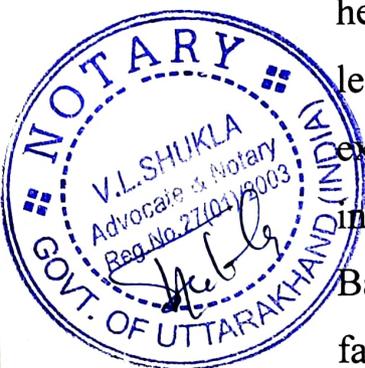
*Uttarakhand & Ors.* is pending before the Hon'ble High Court at Nainital Uttarakhand. It is further submitted that the top level of barrage road has been constructed at 338.5 meters Above Mean Sea Level (AMSL) but the Chief Engineer Irrigation under duress and pressure has deliberately suppressed this material fact that 50% of the height of the Veerbhadra Barrage is made up of filter material to facilitate the flood water to seep into the filter trench situated under the illegal construction of Respondent No. 6 —Hotel Ganga Forest View which is situated at least 5 meters lower than the 338.5 meters AMSL and is directly exposed to filtered water coming inside the residential area in case of a flood.

10. That the contents of para no. 7 require no comments.
11. That the important material fact is suppressed in contents of para no. 8 that 50% of the height of the Veerbhadra Barrage (Embankment) is made up of filter material to facilitate the flood water to seep into the filter trench situated inside the residential area where Respondent No. 6 is situated.
12. That the Hon'ble Tribunal has raised a substantial question for Chief Engineer Irrigation during the last dates of hearing about the width of the flood plain zone at the site of the constructions of Respondent No. 6 and no. 7 and it is submitted that the width of Flood Plain Zone is zero meters



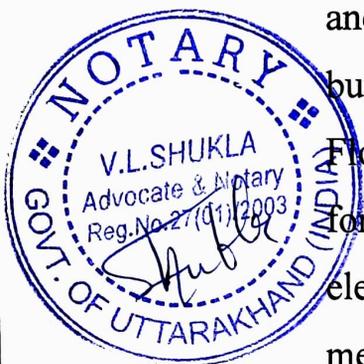
in the complete length of Veerbhadra Barrage as disclosed by the Chief Engineer in his Status Report at para no. 9 that conventional flood plain zoning was not done in this area thereby allowing illegal constructions to come up as close as 5 to 9 meters from the edge of the Holy River Ganga.

13. That the moot question that arises for consideration before the Hon'ble Tribunal in this instant case is whether construction of commercial establishments could be allowed within 30 meters from the edge of the River Ganga in the light of **Order Dated 15.12.2017 Item No. 16 & 17 in case of M.C. Mehta Vs Union of India OA. No. 200 of 2014** (already annexed at **page no. 321 to page no. 332** main direction at **page no. 329** of the record) and also in light of the G.O. No. 1743/V-2/58(आ०)14/2016 Dated 14.12.2016 (annexed at **page no.319 and page no. 320** of the main record).
14. That the contents of para no. 10 are completely wrong and hence denied, the ground floor of Respondent No. 6 is at least 5 meters below the 338.5 meters AMSL and is directly exposed to filtered water coming inside the residential area in case of a flood and 50% of the height of the Veerbhadra Barrage (Embankment) is made up of filter material to facilitate the flood water to seep into the filter trench situated inside the residential area.



15. That the contents of para no. 11 are wage, self-contradictory and baseless and hence denied. It is submitted that the Chief Engineer himself has disclosed at para no. 6 that length of Veerbhadra Barrage is 1.73 Kilometers, as disclosed by the Chief Engineer in his Status Report at para no. 9 that conventional flood plain zoning was not done in the area of the complete length of Veerbhadra Barrage and now at para no.11 he has submitted that the width of River Ganga or the Flood Plain Zone is 550 meters which is greater than 1.73 Kilometers. The moot question that arises here is whether 550 meters is greater than 1.73 Kilometers and when the conventional flood plain zoning was not done in the area of the complete length of Veerbhadra Barrage how the Chief Engineer can say that the Flood Plain Zone is 550 meters. Thus, there are huge contradictions at para no. 6, para no. 9 and para no. 11 of the Status Report.

16. That at para no. 12 of the status report the Chief Engineer has submitted that Respondent No. 7 – Hide Out Café is located 2.42 Kilometers upstream the Veerbhadra Barrage and is exposed to flood risk based on natural river behavior but the Chief Engineer has not provided the width of the Flood Plain Zone in that area. The moot question that arises for consideration before the Hon'ble Tribunal is whether an elevated commercial restaurant is allowed to operate 9 meters away from the edge of the River Ganga when the location is exposed to flood risk of natural river behavior.



17. That the contents of para no. 13, no. 14 and no. 15 require no comments.

### VERIFICATION

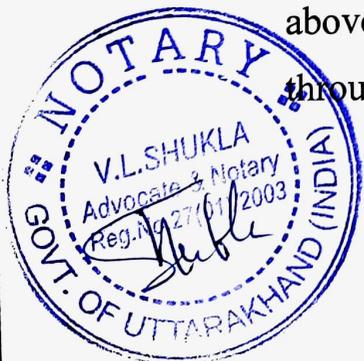
I, the deponent above named, do hereby swear, affirm and verify that the contents of paragraph nos. **1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16 and 17** of this affidavit are true to my personal knowledge in this case; those contents of paragraph nos. **9 and 13** of this affidavit are based on perusal of records of this case; those contents of paragraph no's —NIL— are based on legal advice in this case; which all I believe to be true and that no part of this affidavit is false and nothing material has been concealed.

**SO, HELP ME GOD.**



**(DEPONENT)**

I, Vipin Nayyar S/o Shri Surinder Kumar Nayyar appearing before The Hon'ble National Green Tribunal at New Delhi as party-in-person do hereby certify that I am the Deponent above making this Additional Affidavit and I identify myself through Aadhaar Card No. 4618 0949 9602

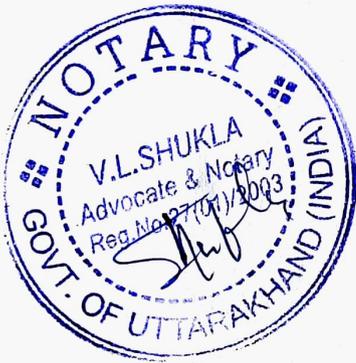



Vipin Nayyar  
(Party-In-Person)



Solemnly affirmed and sworn before me on this 21<sup>st</sup> day of April 2025 at about 11:45 AM at Dehradun by the deponent, who has been identified by self through Aadhaar Card No.4618 0949 9602

I have satisfied myself by examining the deponent that the deponent has understood the contents of this Additional Affidavit, which has been read over and explained to him by me.



S.N. 448/2025 — NOTARY  
 This affidavit is sworn before me by  
 Shri. Vipin Nayyar  
 who is identified by Shri. Joseph  
 at Dehradun on 21/4/2025  
 Smt. Vijay Lakshmi Shukla  
 Advocate & Notary, D. Dur