

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO.229 OF 2025

IN THE MATTER OF:

Ghulam Nabi Bhat

...Applicant

Versus

National Highways Authority of India & Ors.

...Respondents

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NDOH- 02.07.2026

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RESPONDENT NO.1

THROUGH



**Singhania & Partners LLP
Solicitors & Advocates
P-24, Green Park Extension
New Delhi-110016**

**Dated: 30.06.2026
Place: New Delhi**

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.229 OF 2025

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**ADDITIONAL AFFIDAVIT / OBJECTIONS ON BEHALF OF
RESPONDENT NO.1/ NHAI**

MOST RESPECTFULLY SHOWETH:

1. The present Additional Affidavit is being filed by the Respondent No.1/NHAI in view of the subsequent facts, documents and material that has since emerged, which are material, relevant and necessary for the just, proper and effective adjudication of the present proceedings.
2. The Respondent No.1 has filed a detailed reply to the present Original Application and the same is part of the record of this Hon'ble Tribunal. The present Additional Affidavit is being filed in continuation of the same and shall be read as part and parcel thereof.
3. The Applicant in its Rejoinder dated 15.12.2025 has averred that there has been damage in form of dust pollution which led to the damage of the Orchards of the Applicant at village Wathoora, Tehsil, Chadoora in District Budgam in the Union Territory of Jammu and Kashmir. In response to the said averment, the Respondent No.1 submits as under:



- 3.1. The said averment is completely baseless and without any proof filed by the Applicant on record. The averments made by the Applicant in its Rejoinder is nothing but an afterthought.
- 3.2. Attention of this Hon'ble Tribunal is drawn to the Environmental Impact Assessment and Environmental Management Plan, at Pg.140-460, wherein it has clearly been stated in the Column C.4.2.1 at Pg.263 that it is the responsibility of the Contractor to take every precaution to reduce the level of dust from crushers/hot mix plants, construction sites involving earthwork by sprinkling of water, encapsulation of dust source and by erection of screen barriers.
- 3.3. In compliance with the obligations under the said plan, the Contractor, i.e. Respondent No.2, has been continuously carrying out water sprinkling along the entire project stretch to control dust pollution and protect the environment. Further, to safeguard the environment, the Respondent No.2 is covering the dumpers carrying construction material like soil, aggregate etc. with cloth/tarpoline. True copy of the photographs is annexed herewith and marked as **Annexure R-1/6**.
- 3.4. That apart from the above, the present project follows the prescribed methodology of spreading, moisture conditioning through water sprinkling, and compaction using vibratory compactors. The said water sprinkling is being carried out to achieve and maintain the Optimum Moisture Content required for attaining the specified density and strength of the embankment material, with the frequency of sprinkling being calibrated based on soil characteristics, climatic conditions and site requirements, depending upon the nature of the soil and prevailing weather conditions. Thus, the averment made by the Applicant deserves to be rejected.



4. The Applicant has also averred that due to water logging, the orchards of the Applicant got damaged during the construction of the four laning Ring Road/Bypass around the Srinagar City from km 0.000 to km 42.100 (Phase – I) in the Union Territory of Jammu & Kashmir. In response to the said averment, the Respondent No.1 submits as under:
- 4.1. The said averment is completely baseless as no drainage outside the Right of Way (“**ROW**”) was damaged by the Respondent No.2 at any location during the construction. The alleged drainage and the orchard of the Applicant does not fall within ROW of the present project.
- 4.2. The orchard of the Applicant is situated behind the constructed tyre/tyre-puncture shop, (inlet side) of the hume-pipe drain situated beyond the ROW i.e. the working limit, handed over by the Respondent No.1 at the location, which has been completely sealed at its inlet point by unauthorized filing of earth by the other party, and the Respondent No.2 has no role in it.
- 4.3. Due to the said reason, the water stagnates on the closed side (i.e. inlet of the hume-pipe), whereby the natural drainage flow becomes structurally and hydraulically impossible, and the flooding of the orchard occurs as a direct and proximate consequence of the obstruction caused by the tyre/puncture shop. It is further submitted that the said tyre/puncture shop does not fall within the ROW of the subject project and lies outside the scope of the Project activities.
- 4.4. The alleged water logging has not been caused due to any activity within the ROW, or with the construction, execution or development activity undertaken during the present project and the same is entirely attributable



to encroachment by the tyre shop, physical blockage of the drainage inlet, and failure of the State Authority to prevent or remove such obstruction. Thus, the averment made by the Applicant is liable to be rejected.

5. In the light of the aforesaid submissions, it is submitted that the Answering Respondent is not liable for damages, if any. The Answering Respondent most humbly prays that the present OA be dismissed in favour of the Answering Respondent.
6. The Answering Respondent further reserves its right to file additional reply/objection, if required, with the permission of the Hon'ble Tribunal.



RESPONDENT NO.1

THROUGH

Madhu Sweta

**SINGHANIA & PARTNERS LLP
SOLICITORS & ADVOCATES
P-24, GREEN PARK EXTENSION
NEW DELHI-110016**

**DATED: 30.06.2026
PLACE: NEW DELHI**

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...Respondents

AFFIDAVIT

Akashdeep Singh aged about 39 years, working as Project Director at National Highways Authority of India, having office at PIU-Srinagar, Lasjan, near Lasjan Flyover (LHS) on NH-44, Srinagar, J&K-191101, do hereby on solemn affirmation state and submit as under:

1. I say that I am the authorized representative of the Respondent No.1 abovenamed and as such am conversant with the facts and circumstances of the present Additional Affidavit. I have been duly authorized by the Respondent No.1 to initiate and pursue the present proceedings for and on behalf of the Respondent No.1 and hence, I am competent to swear the present affidavit on the basis of the records being maintained by the Respondent No.1 in the ordinary course of its business.
2. I say that the accompanying Additional Affidavit has been drafted by my counsel on my instructions and I have read and understood the contents of the same. The contents of the Additional Affidavit are true and correct, which are reiterated herein and are not being repeated for the sake of brevity.



3. I say that the annexures filed along with the present reply are true copies of their respective originals.



VERIFICATION:

Verified at Srinagar on this ____ day of June, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is wrong and nothing material has concealed there from.



Certified that the statement declared
on oath before me at Srinagar on this
day of 30/6/2026
by AKASH DEEP SINGH
who is identified by S
SHAMIMA AZIZ
NOTARY PUBLIC



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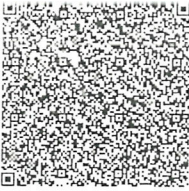
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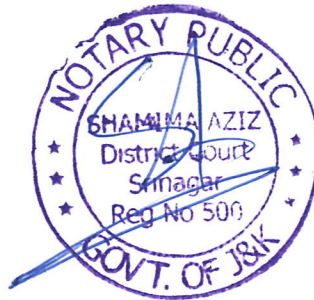
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Ayush Kumar

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Cc: Yash Kapoor; Madhu Sweta
Subject: In the matter of Ghulam Nabi Bhat Vs National Highways Authority of India & Ors, OA No.229/2025, before Hon'ble National Green Tribunal - reg.
Attachments: Additional Affidavit on behalf of Respondent No.1.pdf

Dear Sir/Ma'am,

Please find attached herewith the Additional Affidavit / Objections being filed on behalf of Respondent No.1/NHAI in the subject matter for your reference.

Kindly accept the same as advance service.

Best Regards,

Ayush Kumar | Associate

S&P | **SINGHANIA & PARTNERS** LLP
SOLICITORS AND ADVOCATES

T: +91 (11) 4747 1414 | D: +91 (11) 4747 1463

P – 24 Green Park Ext., New Delhi 110 016 INDIA

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RECOMMENDED BY
