

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 229 OF 2025

IN THE MATTER OF:

GHULAM NABI BHAT

...PETITIONER

VERSUS

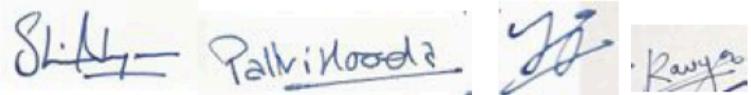
**NATIONAL HIGHWAY AUTHORITY OF
INDIA & ORS.**

...RESPONDENTS

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FILED BY



**(SHIV BHATNAGAR, MS.PALLVI HOODA,
YUVRAJ NANDAL, MS.KAVYA MANUJA, MS.TANNU
[D/14855/2023, D/2759/2020,
D/3096/2024, PH/377/2021, D/4116/2024]
ADVOCATES FOR THE PETITIONERS
10A, SAGAR APARTMENT, 10TH FLOOR,
6 TILAK MARG, NEW DELHI-110 001
MOBILE NO. 9810188819
E-mail: vijay3312@gmail.com**

DATE: 07.03.2026
Place: New Delhi

Tannu

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ORIGINAL APPLICATION NO. 229 OF 2025**

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**ADDITIONAL AFFIDAVIT / OBJECTIONS
ON BEHALF OF RESPONDENT NO. 2 – NKC PROJECTS PVT.
LTD.**

MOST RESPECTFULLY SHOWETH:

1. That the present Additional Affidavit is being filed pursuant to the liberty granted by this Hon'ble Tribunal vide order dated 17.12.2025 for completion of pleadings, and in view of subsequent facts, documents and material that have since emerged, which are material, relevant, and necessary for the just, proper and effective adjudication of the present proceedings.
2. That the answering Respondent (R-2) has already filed a detailed reply on record, clearly asserting that the alleged drainage/hume-pipe system does not fall within the Right of Way (RoW) of the project of Respondent No.1 (NHAI) and Respondent No.2 (NKC), and does not form part of the present project execution area. The present Additional Affidavit is filed in continuation of and as an extension to the said reply, and shall be read as part and parcel thereof,

without prejudice to the averments, defences and objections already taken therein.

I. DRAIN OUTSIDE PROJECT RoW:

3. It is humbly reiterated that:
 - i. The impugned hume pipe/drainage system was constructed much prior to the present project.
 - ii. The said road and drainage infrastructure fall exclusively under the jurisdiction of the *Jammu & Kashmir Public Works Department* (JKPWD / R&B Department).
 - iii. The said drain is *beyond the RoW* of the NHA/NKC project.
4. Respondent No.2 has neither ownership, control, possession nor statutory authority over the said drain, road, or surrounding land.
5. Furthermore, on 25.02.2026, RODIC Consultants Pvt. Ltd., the Inspecting Engineer, submitted its report following a site inspection conducted on 24.02.2026, wherein it was categorically observed that the hume-pipe, alleged to be responsible for the flooding even as per the Petitioner's own case, is situated beyond the project Right of Way (RoW) and consequently falls outside the scope of work and responsibility of Respondent No.1 and Respondent No.2. True copy of the Rodic Report dated 25.02.2026 is annexed herewith and marked as **ANNEXURE-R-2/1**.

II. ROOT CAUSE OF FLOODING - ILLEGAL ENCROACHMENT OF THE DRAIN:

6. It has come to light, upon detailed site inspection and corroborated by contemporaneous photographic evidence placed on record, that the alleged flooding is the direct and inevitable consequence of an illegal obstruction at the inlet point of the hume-pipe drain, and not attributable to any act or omission of Respondent No.1 or Respondent No.2.
7. Specifically, it is established that *a tyre/tyre-puncture shop had been constructed several years ago adjoining the drain and abutting its entry point (referred as "Side-A")*. Over time, the said *tyre shop has encroached upon and completely covered and sealed the inlet of the drain, and the portion leading up to the entry point has also been filled with earth, thereby fully obstructing the flow of water and completely sealing the approach to the drainage channel*. True copy of the Photographs is annexed herewith and marked as **ANNEXURE-B**.
8. Admittedly, due to the said structure having completely and illegally blocked the drain, including its entry point ("Side-A"), water is unable to enter the drainage system in any manner whatsoever. The said obstruction is the sole and direct cause of the resulting stagnation and overflow of water.
9. Further, the drain has *a natural hydraulic gradient from the elevated Side-A towards the lower Side-B*, and is structurally designed to facilitate gravity-based flow from *Side A-B*. However, due to the complete obstruction at the northern inlet (*Side-A*), the entire drainage mechanism has

been rendered non-functional, resulting in *backflow, stagnation and artificial accumulation of water*, leading to overflow towards the orchard area.

10. The flooding is therefore the direct and proximate result of *illegal encroachment and physical blockage of the drain*, and bears no causal nexus whatsoever with the project activities of Respondent No.1 or Respondent No.2:

- i. **Tyre/tyre-puncture shop** has been constructed directly adjoining the drain and its inlet (*Side-A*).
- ii. **Entry point** of the drain (*Side-A*) is fully blocked, having been covered and filled with earth for operating the tyre shop, thereby making drainage hydraulically impossible.
- iii. **Drain portion** adjoining the tyre shop and leading to the entry point has also been filled and encroached upon for the shop's use.
- iv. **Natural incline** from the elevated *Side-A* entry point adjoining the shop towards *Side-B*, situated on the lower and opposite side of the shop.

Due to the blockage:

- a. No water can enter the drain from *Side-A*;
- b. Water accumulates on and prior to *Side-A*;
- c. Mini-dam/backflow effect is artificially created;
- d. Water consequently accumulates and inevitably overflows into the adjoining orchard.

Accordingly, the alleged flooding is the *natural and inevitable consequence of illegal obstruction and unauthorized construction*, and not of any action, inaction or negligence on the part of Respondent No.1 or Respondent No.2.

11. It is respectfully submitted that if the very entry point of the drain is illegally blocked, no drainage system can operate or discharge effectively, as no water can enter the drain from the obstructed side and no free flow of water is possible, irrespective of any downstream infrastructure or arrangements.

III. LOCATION OF ORCHARD:

12. It is humbly submitted that the *orchard of the Applicant is situated behind the constructed tyre/tyre-puncture shop*, i.e., on the closed and obstructed *Side-A* (inlet side) of the hume-pipe drain, which has been completely sealed at its inlet point by unauthorized filling of earth.
13. As a direct and inevitable consequence thereof, water stagnates on the closed side, the natural drainage flow becomes structurally and hydraulically impossible, and the flooding of the orchard occurs as a direct, proximate and natural outcome of the illegal obstruction itself.
14. The alleged flooding, therefore, bears no nexus whatsoever with the project work of Respondent No.1 or Respondent No.2, with any activity within the Right of Way (RoW), or with any construction, execution or development activity undertaken under the present project, the same being entirely attributable to illegal encroachment, physical

blockage of the drainage inlet, and failure of the competent authority to prevent or remove such obstruction.

IV. RESPONSIBILITY OF JKPWD / R&B DEPARTMENT:

15. That the entire statutory, administrative and operational responsibility in respect of the subject road and drainage infrastructure vests exclusively with the Jammu & Kashmir Public Works Department (JKPWD) / Roads & Buildings (R&B) Department, including but not limited to:
 - v. The construction and structural development of the road and ancillary drainage works,
 - vi. The maintenance, upkeep and functional integrity of the hume-pipe drain,
 - vii. The prevention, regulation and control of encroachments upon public land and drainage infrastructure,
 - viii. The identification, demolition and removal of illegal and unauthorized obstruction of public drains, and
 - ix. The desilting, clearance and hydraulic management of drainage systems to ensure free and unobstructed flow of water;
16. It is respectfully submitted that none of the aforesaid obligations vest in Respondent No.1 or Respondent No.2, who have neither control nor jurisdiction over the subject drain, and therefore bear no liability.
17. Furthermore, Respondent No.2 respectfully submits that it has no legal authority to:

- i) Demolishor remove illegal obstructions standing on land not vested in it.;
- ii) Cannot interfere with or regulate any infrastructure situated beyond the project Right of Way (RoW); and
- iii) Cannot exercise any jurisdiction, control or administrative authority over property, roads or drainage infrastructure belonging to the JKPWD.

V. NON-IMPLEADMENT OF NECESSARY PARTY:

18. It is respectfully submitted that the *Jammu & Kashmir Public Works (Road & Building) Department (JKPWD/ R&B)* is a necessary and proper party to the present proceedings, for the reasons that:

- i. The subject hume-pipe drain and the road over which it is constructed form part of infrastructure *belonging to and constructed by JKPWD* much prior to the commencement of the present NHAI project;
- ii. The said drain squarely falls within the territorial, administrative and statutory control of JKPWD and is *not within the Right of Way (RoW)* or project corridor of Respondent No.1 or Respondent No.2;
- iii. The entire obligation of *maintenance, desilting, obstruction-removal, drainage management, and protection of hydraulic flow* of the said drain vests exclusively with JKPWD in law, and not with Respondent No.1 or Respondent No.2.

19. It is respectfully submitted that the Applicant's failure to implead JKPWD, despite its admitted ownership and statutory responsibility over the subject road and drain,

renders the present Original Application bad for non-joinder of a necessary party and liable to dismissal.

VI. FALSE ATTRIBUTION OF LIABILITY:

20. The attempt to attribute the alleged flooding to Respondent No.1 and Respondent No.2 is wholly misconceived and untenable in law and on facts, inasmuch as the same is:

- i. ***Factually incorrect***, as the impugned drain does not fall within the Right of Way or the project corridor of the NHAI/NKC project;
- ii. ***Legally untenable***, since the road, drainage infrastructure and its maintenance fall exclusively within the statutory jurisdiction and control of the JKPWD, which has neither been impleaded nor proceeded against;
- iii. ***Technically false***, as the flooding is caused by an illegal blockage of the drain and its inlet(*Side-A*), rendering downstream flow impossible; and
- iv. ***Environmentally misconceived***, inasmuch as the alleged water stagnation and overflow have arisen solely from the illegal obstruction, and not from any act or activity of Respondent No.1 or Respondent No.2.

21. The present Original Application is a mala fide attempt to shift liability from the statutorily responsible authority, JKPWD, onto Respondent No.1 and Respondent No.2, who admittedly have:

- i. ***No control*** over the subject road or drainage infrastructure,

- ii. **No jurisdiction** over the land, right of way, or the pre-existing drainage system,
- iii. **No authority** in law to maintain, remove or demolish illegal obstructions on the said drain, and
- iv. **No causal connection** whatsoever with the alleged flooding or waterlogging, which is solely attributable to the illegal blockage of the drain and the failure of the competent authority to discharge its statutory duties.

VIII. PHOTO EVIDENCE & SITE DEMARCATION:

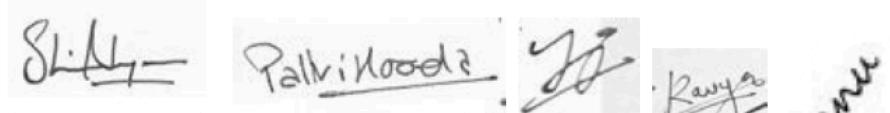
22. The photographs annexed hereto clearly and unequivocally demonstrates the existence of an illegal tyre/tyre-puncture shop structure constructed directly over the drainage infrastructure;
 - i. Complete physical blockage of the entry/inlet point of the hume-pipe drain, rendering the drainage system non-functional;
 - ii. The clear demarcation of the project Right of Way (RoW);
 - iii. The location of the drain beyond the project RoW, placing it outside the territorial and functional jurisdiction of Respondent No.1 and Respondent No.2; and
 - iv. The unauthorized occupation and encroachment over public drainage infrastructure, which is the proximate and operative cause of the alleged flooding.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- I. Dismiss the present Original Application as against Respondent No.2 (NKC Projects Pvt. Ltd.);
- II. Record that the blockage is caused by illegal encroachment/illegal construction of a tyre puncture shop on JKPWD land;

Pass any other or further order(s) as this Hon'ble Tribunal may deem fit in the interest of justice.

FILED BY

(SHIV BHATNAGAR, MS.PALLVI HOOD,
YUVRAJ NANDAL, MS.KAVYA MANUJA, MS.TANN
[D/14855/2023, D/2759/2020,
D/3096/2024, PH/377/2021, D/4116/2024]
ADVOCATES FOR THE PETITIONERS
10A, SAGAR APARTMENT, 10TH FLOOR,
6 TILAK MARG, NEW DELHI-110 001
MOBILE NO. 9810188819
E-mail: vijay3312@gmail.com

DATE: 07.03.2026
Place: New Delhi

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**NATIONAL HIGHWAY AUTHORITY
OF INDIA & ORS.**

...RESPONDENTS

AFFIDAVIT

I, Subhash Chandra Chatterjee, S/o. Late S.K. Chatterjee, aged 79 years, R/o. M-52, Ground Floor, Chittaranjan Park, New Delhi-110019, do hereby solemnly affirm and state as under:-

1. That I am the authorized signatory on behalf of the Respondent Company in the above captioned matter and as such am well conversant with the facts and circumstances of the case.
2. That the contents of the Objections on behalf of Respondent No.2-NKC Projects Pvt. Ltd. are true and correct to the best of my knowledge, belief and nothing material information has been concealed therefrom.
3. That the Annexures produced alongwith the Objections are true copies of their respective originals.



[Signature]
DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, belief. No part of it is false nothing material has been concealed therein.

Verified at New Delhi on this 03 day of March, 2026.



[Signature]
DEPONENT

03 MAR 2026

ATTESTEE

[Signature]
Notary Public Delhi



RODIC CONSULTANTS PVT. LTD.

Rodic In Joint Venture (JV) with

MSV INTERNATIONAL, INC.



ANNEXURE R-2/1

509

RODIC CONSULTANTS PVT. LTD.

Ring Road Project Office
House No. 248, Near Chinar Apartment,
Astanpora Road, Rawalpura,
Srinagar, (J&K)-190005,

Letter no.: HBT-1590-SO-LTR-2026/2290

Date: 25-02-2026.

To,

The Project Director,
Project Implementation Unit,
National Highway Authority of India,
Lasjan, near Lasjan Flyover (LHS) on NH-44,
Srinagar, J&K-191101
Contact No. - 8130006158

Subject: Consultancy Services for Authority's Engineer for supervision of construction of four-lane Ring Road/bypass around Srinagar city from km 0.000 to km 42.100 (Phase-I) on Engineering, Procurement and Construction (EPC) mode under NHDP phase VII in the Union Territory of Jammu and Kashmir under Bharatmala Pariyojana on EPC mode—O.A No.229/2025, titled" Ghulam Nabi Bhat V/s National Highway Authority of India & Ors".

Ref. 1. PD/SGR/14055/2025-26/Ring Road/AE/2509; Dated: 23.02.2026.

Dear Sir,

With reference to the above cited subject, it is submitted that a joint site visit was conducted on 24.02.2026, along with representatives of NHAI (Ms. Iram Jan) and the Contractors representative (Mr. Ghanshyam). During the inspection it was observed that the referred location falls at Km 11+025 LHS of our project alignment. The construction of the main carriageway, service road & side drain at the said stretch was completed approximately one year ago and is fully functional.

It is further submitted that the drain mentioned in the referred letter does not fall under our jurisdiction & is located outside the ROW therefore the same is not within the scope of work of this authority.

This is submitted for kind information & necessary consideration.

Yours Sincerely,

Rodic Consultants Pvt. Ltd. in JV with M/s MSV International Inc.



Team Leader
(Kiran Shrikant Vishwaroop)

Enclosure: Site Photographs.

Copy to
1. NKC Projects
2. MSV international Inc. Gurgaon
3. Document Controller, Rodic



GPS Map Camera

Srinagar

Xr76+r5x, Wathora, Srinagar, 191113,
Lat 33.964842° Long 74.8105°
Tuesday, 24/02/2026 01:42 PM GMT
+05:30





GPS Map

Srinagar

Xr76+r5x, Wathora, Srinagar, 191113,
Lat 33.964834° Long 74.81073°

Tuesday, 24/02/2026 01:41 PM GMT +0



512

15



 GPS Map Camera

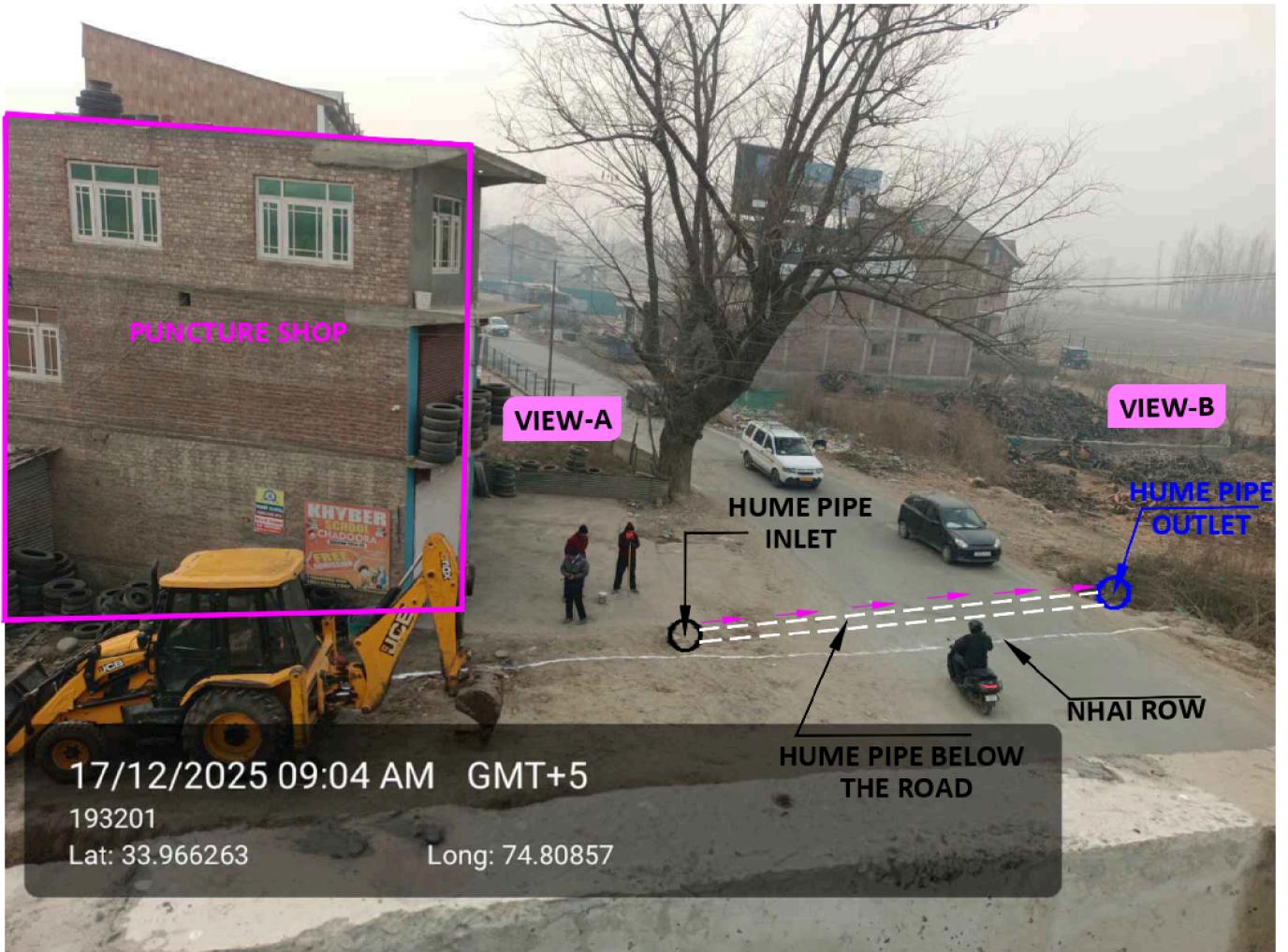


Google

Srinagar

Xr76+r5x, Wathora, Srinagar, 191113,
 Lat 33.964833° Long 74.81073°
 Tuesday, 24/02/2026 01:41 PM GMT
 +05:30

//TRUE COPY//









PUNCTURE SHOP

NHAI ROW

HUME PIPE
OUTLET

GPS Map Camera

Srinagar

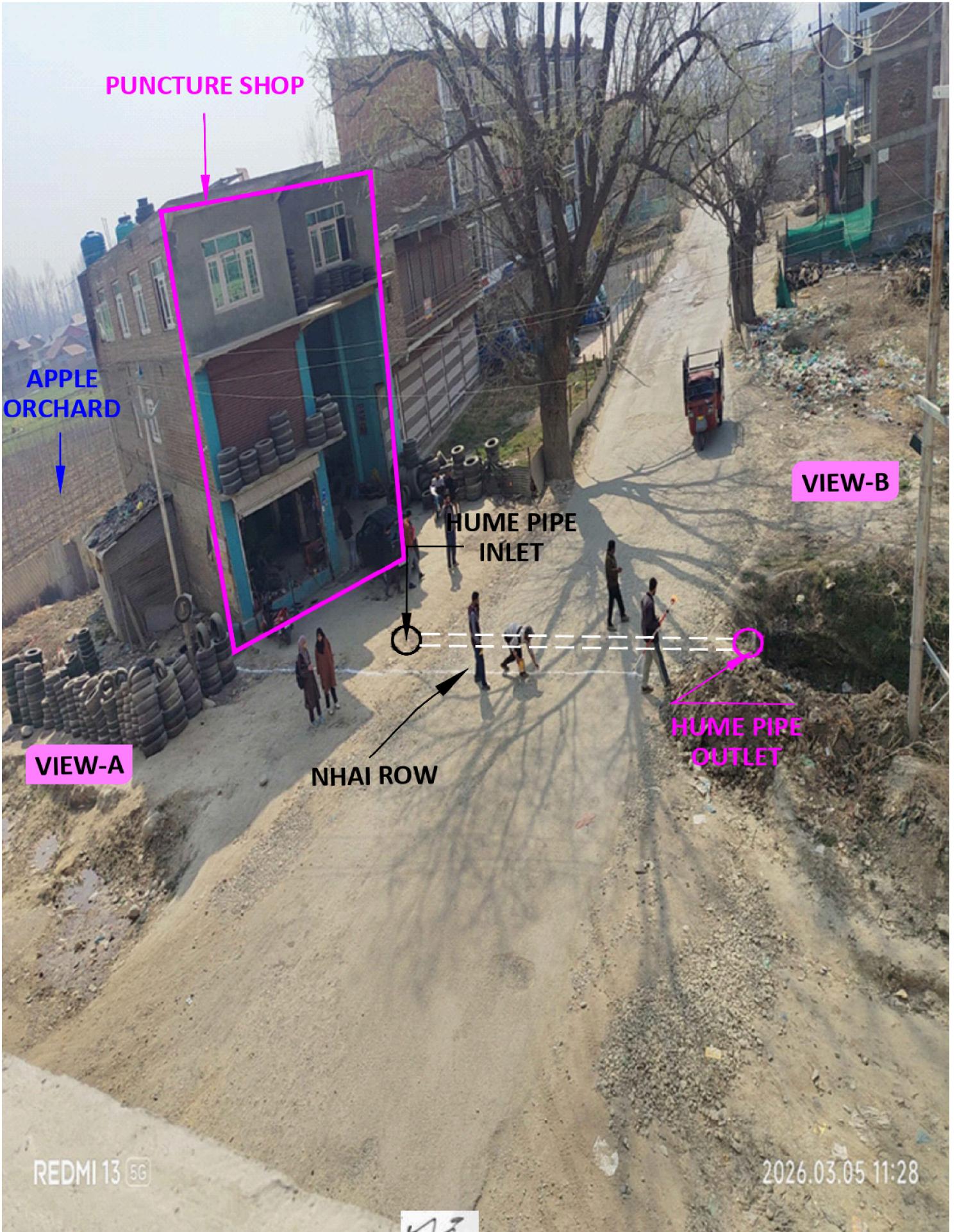
Xr76+r5x, Wathora, Srinagar, 191113,

Lat 33.964779° Long 74.810115°

Thursday, 05/03/2026 11:20 AM GMT

+05:30

Google



PUNCTURE SHOP

APPLE ORCHARD

VIEW-B

HUME PIPE INLET

HUME PIPE OUTLET

VIEW-A

NHAI ROW

REDMI 13 56

2026.03.05 11:28

//TRUE COPY//



Vijay Kumar <vijay3312@gmail.com>

Advance service of Objection in OA 229/2025 GHULAM NABI BHAT VS NATIONAL HIGHWAYS AUTHORITY OF INDIA NHAI

1 message

Vijay Kumar <vijay3312@gmail.com>

Sun, Mar 8, 2026 at 12:37 PM

To: Madhu Sweta <madhu@singhania.in>, membersecy.pcb@jk.gov.in, cs-jandk@nic.in, aurabh.envirolawyer@gmail.com, Pallvi Hooda <pallvi.hooda2@gmail.com>, "cc: shiv.bhatnagar.66@gmail.com" <shiv.bhatnagar.66@gmail.com>

Sir,

Please find enclosed herewith a copy of the additional affidavit/ Objection on behalf of the Additional Affidavit/objections on behalf of Respondent no. 2 – NKC PROJECTS PVT. LTD. alongwith Affidavit and Annexures. This is for your kind information and necessary action.

Thanks and regards

VIJAY KUMAR

Office of Ms. Pallvi Hooda, Adv.
10A, Sagar Apartment, 6 Tilak Marg,
New Delhi - 110001
Mob. 09810188819, 8368447708
Ph. office 011-23070195

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 **OBJECTIONS NKC.pdf**
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