

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
IN IA 867& 868
IN
EA 36/2023
IN
OA 329/21**

IN THE MATTER OF
DEBANSHU BOSE

VERSUS

AGRA DEVELOPMENT AUTHORITY & ORS
AND IN THE MATTER OF:
1-Mahendra Kumar Saraswat
2- Dori Lal Yadav

APPLICANT

RESPONDENT

INTERVENERS

ADDITIONAL DOCUMENTS FILED ON BEHALF OF AFOREMENTIONED
INTERVENERS IN IA 867& 868

The above – mentioned OA was filed to highlight the failures of the Agra Development Authority and other state authorities in preventing the discharge of sewage onto open land from Nalanda Town Colony, Shamshabad Road Agra, a housing project developed by Nalanda Builders and Developers India Limited Agra and approved by the Agra Development Authority.

The Hon'ble NGT New Delhi vide it's orders dated 24/03/22 and the final order dated 18/01/23 in aforementioned OA held the Agra Development Authority responsible for this failure. In addition to imposing an EC penalty of Rs 2500000/ (Twenty-Five Lakhs) and Rs 20000000/= (Two Crores) on ADA, The Hon'ble Tribunal directed ADA to take remedial measures to address these issues and instructed the ACS UP and ACS, Housing and Urban Planning to oversee the implementation of these remedial measures.

Details of non-compliance of these orders have already been submitted in EA 36/2023 filed by applicant and in IA 867 & 868 and four subsequent additional documents filed by the Interveners. Hence Interveners are not repeating those for the sake of brevity.

The Interveners highlighted various unresolved issues through their latest additional documents, submitted by Interveners in Hon'ble Tribunal on 24/03/25 which were uploaded on 02/04/25 and numbered in Hon'ble court file from 275 to 341.

The Interveners seek liberty to demonstrate only those unresolved issues which were raised by Interveners in their latest additional documents submitted on 24/03/25 and uploaded on 02/05/25

Which are as under –

1. INADEQUATE CONSTRUCTION OF COMMON DRAINAGE AND NON-COMPLETION OF EXTERNAL DEVELOPMENT WORKS BY ADA

Issues raised by Interveners in cited additional documents filed on 24.03.2025 are more or less same. Drainage constructed by ADA is not adequate to meet requirement of disposal of rain water/ storm water/ excess water /treated water

of all approved colonies, situated on both side of road from Ekta Police Chowki to Nalanda Town Colony Shamshabad Road Agra since it is being constructed in haphazard way and approved colonies are not properly connected with this drainage. No action for completion of other external development works mentioned in aforementioned additional documents has yet been initiated BY ADA.

2. NON-CONSTRUCTION OF COMMON SEWER LINE CONNECTED TO TERMINAL STP

Issue is still unresolved and no any action has been initiated by ADA in this regard, leading to continuance of ground water pollution.

3. NON-CONSTRUCTION OF STP IN 64 APPROVED COLONIES

Issue is more or less same. ADA has only issued formal notices to builders of these colonies and has not yet initiated any coercive action to force these builders to construct STPs in these approved colonies, leading to continuance of ground water pollution. UPPCB also seems indifferent on this sensitive issue.

4. SUBSTANDARD AND UNDERSIZED CONSTRUCTION OF STP IN NALANDA TOWN COLONY

When this issue was raised in Hon'ble courts and repeated complaints were forwarded to ADA, UPPCB and other state authorities, ADA allegedly issued tender to renovate and strengthen this substandard STP which was not monitored during construction by ADA officials.

In reply to my complaint on IGRS dated 13/07/25 though ADA has stated that renovation work of STP has been completed but ADA has not yet obtained sufficiency certificate from competent third-party expert agency and has no proof of quality assurance, in view of ADA official's attitude ADA's reply can't be relied upon.

Copy of complaint on IGRS dated 13/07/25 in this regard is annexed herewith as ANNEXURE NO- 1

It is relevant to mention here that STP constructed by builder through his work order and renovated by ADA through tender is having 200 KLD treatment capacity whereas as per project report its capacity must be 351 KLD, it is not understood as to how this undersized STP may meet requirement of proper treatment of sewer discharged from Nalanda Town Colony in peak hours?

ADA and UPCB both are silent and indifferent on this sensitive issue which is highly surprising and this attitude may aggravate ground pollution.

5. NON-COMPLETION OF INTERNAL DEVELOPMENT WORKS (INCLUDING ENVIRONMENTAL ASPECTS) IN NALANDA TOWN COLONY AND ADA'S

INDIFFERENCE ON GROSS IRREGULARITIES, ILLIGALITIES AND FRAUDS COMMITTED BY BUILDERS

Issues are more or less same, ADA has not yet initiated any action against builder in this regard and against its officials for avoidance of their statutory obligations.

Complaint forwarded by intervener No. 2 on 22.07.2025 is annexed herewith as ANNEXURE No. 2

6. MISMANAGEMENT AND RELEASE OF MORTGAGED PLOTS

Despite continuous complaints on these issues ADA has not investigated into this matter and fixed liability of its erring officials whereas release of most of mortgaged plots by ADA's officials without ensuring completion of internal development works is main cause of long pendency of internal development works and mental and physical agony of residents of Nalanda Town Colony which they have been facing for more than 15 years.

7. EXCESSIVE DELAY IN RECOVERY OF ENVIRONMENT COMPENSATION FROM BUILDER BY UPPCB AND DM AGRA

UPPCB which is nodal agency for protection of environment and environmental issues, utterly failed in recovery of environment compensation penalty of Rs 21398438/ (Two Crore Thirteen Lakhs Ninety-Eight Thousand and Four Hundred Thirty-Eight) which was imposed on builder in compliance with orders of Hon'ble Tribunal dated 24/03/22 and issued only formal letters to builder to deposit EC. UPPCB

issued RC in DEC 2024 after objectionable elapse of more than two years. It is highly surprising that this RC was issued by UPPCB after repeated various complaints. After issuance of RC, it seems that no coercive action was initiated by DM Agra and builder taking undue advantage of this slackness filed WRIT C – 8696 in 2025 to get recovery proceeding stayed.

Copy of Hon'ble High Court Prayagraj order date 15.05.2025 in writ C 8696 wherein Hon'ble High Court made it clear that there is on interim order and the authority shall be at liberty to proceed with the recovery, is annexed herewith as Annexure 3.

Intervener 2 after aforementioned order of Hon'ble High Court forwarded request letters dated 16.06.2025, 23.07.2025 and 29.07.2025 to state authorities for speedy recovery of EC Penalty amount.

Copy of letter dated 29.07.2025 addressed to DM, Agra annexed herewith as Annexure No. 4

Intervener no 2 had to file impleadment application in Hon'ble High Court Prayagraj to protest this stay application filed by builder which has been registered as **IA No 4** in said Writ.

8. UNLAWFUL AND ARBITRARY ACTIONS BY ADA OFFICIALS

Despite directions by Hon'ble Tribunal to ADA to change its attitude, there seems no change in their attitude. As per existing provisions builder has to complete all internal development works in approved projects. Completion of these works and quality thereof has to be ensured by ADA. After completion of all these internal development works promised to buyers in specifications and mentioned in agreement signed between Development Authorities and builders as per layout plan, building plan, and zonal plan, builder has to apply for completion certificate to competent authority which is ADA in this case and after receipt of CC by ADA builder has to form RWA with residents of colony, these are mandated by law.

Builder has not yet completed most of internal development works many of which are related to protection of environment hence ADA has not issued RC to builder. As per clause 14 of Agreement signed between ADA and Builder, builder has to maintain all common facilities till completion of all internal development works and receipt of CC.

Extract of clause 14 of Agreement is as under

“That the colonizer shall be responsible for the proper maintainance of all the services including sanitation within the colony for a period of at least twelve months after the colony has bben fully developed and a completion certificate has been issued by the Authority/ Nagar Nigam or until such time as the Authority takes over such services, whichever of these periods may be earlier.”

It seems relevant to mention here that builder has not been maintaining services of colony since 2013, various complaints were sent on these issues but ADA simply issued formal notices to builder and didn't initiate any coercive action against builder to get these internal development works completed.

As per section 14(2) of UP APARTMENT ACT 2010 builder has to initiate for formation of RWA with residents of colony only after completion of all internal development works and receipt of CC by competent Authority'

Extract of Section 14(2) of UP APARTMENT ACT 2010 is as under-

“It shall be joint responsibility of the promoter and the apartment owners to form an association. The promoter shall get the association registered when such number of apartments have been handed over to the owners

which is necessary to form an association or 33% of apartments whichever is more by way of sale, transfer or possession PROVIDED THE BUILDING HAS BEEN COMPLETED ALONGWITH ALL INFRASTRUCTURE SERVICES AND COMPLETION CERTIFICATE OBTAINED FROM THE LOCAL AUTHORITY”

This section is very important to protect larger interests of buyers, had this provision not been made, all builders might have left internal development works in pending and fled from the colonies after selling apartments.

This section mandates completion of all internal development works in approved projects and receipt of CC from competent Authority to builders before formation of RWA.

ADA is violating these provisions and not forcing builder to complete pending internal development works of colony, obtain CC thereafter and then to form association but in contravention of these provisions ADA is forcing to form association without completion of internal development works and in absence of CC. This deliberate action of ADA is arbitrary, dictatorial, token of high handedness and misuse of powers and supportive to wrong doer builder at the cost of larger interests of residents of colony.

Copy of press release of ADA is annexed herewith as ANNEXURE NO- 5

This issue was also raised by interveners through their IA 312 & 313 in OA 329/21 which has been mentioned on page no 12 &13 of cited IA's in para 17 to 20.

Hon'ble Tribunal has also mentioned these grievances in **para 10 of final order dated 18/01/23 in OA 329/21 on page no 6** of said order.

Extract of para 10 of order dated 18/01/23 in OA 329/21 are as under-

“IA NO 312/2022 and IA No 313/2022 have been filed by some other aggrieved residents with the grievance that ADA has failed to fulfil its obligations under Section 14 (2) of the Uttar Pradesh Apartment (Promotion of Construction, Ownership and Maintenance) Act 2010 and seeking direction for completing infrastructure before formation of RWA. Reference has also been made to order of the Allahabad High Court dated 15/12/16 in Writ Petition (C) of 58986 of 2026.

Unfortunately, this issue remained undecided in aforementioned final order dated 18/01/23. ADA has been taking undue advantage of this and resorting to illegality and forcing residents against provisions to form RWA in violation of cited provisions. This arbitrary and illegal action of ADA is to escape its statutory liabilities and absolve wrong doer builder from statutory obligations and to shift its and builders' liabilities on

innocent and weak residents who have been forced to face physical and mental agony for more than last 15 years for defaults of builder and ADA.

Intervener no 2 has been continuously raising all these disputed issues through his repeated complaints on emails, twitter and Through JANSUNWAI PORTAL but of no avail.

CONCLUSION —

That continuous inaction of ADA and UPPCB despite clear legal provisions and repeated court directions, reflects gross negligence, collusion and utter failure to uphold statutory responsibilities.

In view urgent intervention of Hon'ble Tribunal is required to

- 1- Enforce third party Sufficiency certification of STP.
- 2- -Ensure completion of all pending internal development works.
- 3- Ensure environmental compensation recovery by DM Agra after suitable orders by Hon'ble High Court Allahabad in Writ C 8696/2025.
- 4- Initiate civil/criminal action against the builder for continuous violations.
- 5- Hold accountable the responsible officials for their failures to act in accordance with legal mandates.
- 6- Ensure proper size of STP.
- 7- Resist ADA from taking arbitrary and illegal actions.

PRAYER

In the light of the above, the Interveners humbly seek the Hon'ble court's permission to allow and place these additional documents on record in the interests of justice.

Intervener No 1


Mahendra Kumar Saraswat

Intervener No 2



Dori Lal Yadav

Respected sir Madam. 130725 STP which was constructed by Nalanda Builders in Nalanda Town Colony Shamsabad road Agra, in compliance with orders of Hon'ble Tribunal, was not constructed as per parameters. Multiple Complaints thereon were forwarded to ADA and other concerned officers to ensure quality, size and sufficiency of STP but no attention was paid by ADA officials, resulting into substandard and undersized construction. After submission of these facts in Hon'ble Tribunal, ADA issued tenders contract for its renovation whereon again request was made to ensure quality during renovation work, it's highly unfortunate that no any Complaints on email is acknowledged and replied by ADA officials which shows high-handedness.

Probability of non compliance of parameters even in renovation work can't be denied. Progress of renovation work has not been provided by ADA officials. Verbally ADA officials are forcing to impose operations and maintenance of STP on residents illegally against provisions, sufficiency and quality of which is still not guaranteed. In view it is humbly submission to please 1- initiate action against all erring officials who ignored their statutory obligations and didn't monitor stp construction work, done by builder which resulted into Malfunction even after construction. 2- To please initiate action against erring builder for substandard and undersized construction of STP. 3- To please investigate if payment made to contractor without ensuring sufficiency report, and do needful as per rule against contractor. 4- To please obtain sufficiency report. 5- To please ensure operation and maintenance of STP for certain period by tenderer contractor as per rule and terms and conditions of tender contract and till completion of all pending internal development works and receipt of CC by builder as per provisions of UP APARTMENT ACT 2010, clause 14 of agreement signed by ADA and builder and in compliance with previous notices issued by ADA dated 09052013, 06062013, 24092013, 23032017, 240417 and so on. 6- Please comply with provisions related to section 33 of UP URBAN PLANNING AND DEVELOPMENT ACT

1973 , get all pending internal development works completed by builder and if ADA is unable to get done from builder , do it at its own as per rules and costs thereof may be recovered from builder as land revenue . Mortgaged plots of builder in Nalanda Town Colony Shamsabad road Agra no 2, 232, 253, 306 307, commercial plots C7 to C11 and one plot area 503 square meters reserved for nursery school may be taken into possession by ADA as per rules and auctioned. 4- Details of Other properties of builder may please be obtained from Tahsil Registrar office and may please be seized as per rule and disposed to recover money to complete pending internal development works of colony. It's humbly requested to please do needful sothat fresh litigation may not have to be initiated on these issues.

Looking forward for due and legal action Regds
D L YADAV Intervener in EA 36 2023



Fwd: Complaint on jansunwai portal , sent to Agra Development Authority for necessary action, pending for disposal.

1 message

Dori Lal Yadav <dlyadavconcor25@gmail.com>
To: MAHENDRA SARASWAT <m.kr.saraswat@gmail.com>, nishant yadav <rajskd5@gmail.com>

Tue, Jul 22, 2025 at 7:53 PM

----- Forwarded message -----

From: **Dori Lal Yadav** <dlyadavconcor25@gmail.com>
Date: Tue, Jul 22, 2025, 7:47 PM
Subject: Complaint on jansunwai portal , sent to Agra Development Authority for necessary action, pending for disposal.
To: <commagr@nic.in>, <psawasup@gmail.com>, <psecup.urbandev@nic.in>, <csup@nic.in>, <contact@yogiadityanath.in>

Respected/ Hon'ble sirs. 22/07/25

Please find attached undercited complaint, sent on jansunwai portal to Agra Development Authority.

Most of the issues raised in cited complaint are pending for decision in Hon'ble Tribunal New Delhi and Hon'ble High Court Allahabad. Hon'ble Tribunal has been apprised of ground realities / avoidance of statutory obligations and duties of ADA officials through additional documents/ submissions submitted in pending EA/ 36/ 2023.

Despite directions of Hon'ble Tribunal to ADA to take remedial measures to resolve issues and change its attitude, though some actions have been initiated but attitude of ADA officials is more or less same and actions taken are insufficient and misleading.

In view of the above, it is humbly requested to please direct ADA to do needful to ensure compliance of orders of Hon'ble Tribunal and Hon'ble High court Allahabad in entirety, complete all pending internal and external development works as per parameters and on priority basis, direct builder to fulfill his legal liabilities, initiate suitable coercive action against builder if builder fails to comply with orders of Hon'ble courts/ directions of ADA.

Looking forward for due and suitable action.

Regds

D L YADAV
Interver in EA/36/2023 in Hon'ble Tribunal
Petitioner in writc 7787/2020 in Hon'ble High Court Allahabad

 Scan 22 Jul 25 18:29:35.pdf
325 KB



- 10 - Annexure 3

Court No. - 40

Case :- WRIT - C No. - 8696 of 2025

Petitioner :- Radhey Shyam Sharma

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Prashank Mishra, Rishikesh Tripathi

Counsel for Respondent :- C.S.C., J. N. Maurya, Om Prakash Singh, Somya Chaturvedi, Suresh C. Dwivedi

Hon'ble Shekhar B. Saraf, J.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

Heard Sri Rishikesh Tripathi, learned counsel for the petitioner, Sri J.N. Maurya, learned counsel appearing for the respondent no.4 and Ms. Somya Chaturvedi, learned counsel for the respondent no.5.

For effective hearing of the case it requires exchange of affidavits.

Learned counsel for the respondents may file their respective counter affidavit within six weeks. Rejoinder affidavit, if any, be filed within two weeks thereafter.

List on 07.08.2025.

It is made clear that there is no interim order and the authority shall be at liberty to proceed with the recovery.

Order Date :- 15.5.2025

Imroz

(Dr. Y. K. Srivastava, J.) (Shekhar B. Saraf, J.)

----- Forwarded message -----

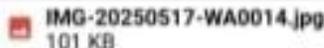
From: **Dori Lal Yadav** <dlyadavconcor@gmail.com>

Date: Tue, Jun 17, 2025, 8:37 AM

Subject: Request to ensure recovery of Environment compensation amount and completion of all pending internal development works in approved colony- Nalanda Town Colony Shamsabad road Agra

To: dmfir <dmfir@nic.in>, <commagr@nic.in>, vice chairman ada <vcadaagra@gmail.com>, <psawasup@gmail.com>, <psecup.urbandev@nic.in>

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[Quoted text hidden]



Dori Lal Yadav <dlyadavconcor@gmail.com>

Tue, Jul 29, 2025 at 7:13 PM

To: commagr@nic.in

Respected sir, 28/07/25

Attached letter was wrongly forwarded to Dm Firozabad with copy to you, whereas this belonged to DM Agra since recovery certificate against Petitioner is with Tahsildar Agra.

In it's order copy attached hereunder Hon'ble High court Allahabad has not granted any stay to Petitioner and given liberty to recover amount from builder who is habitually wrong doers, copy of this order has been sent to DM Agra today with request to initiate action to ensure recovery in the interest of larger welfare.

Please do needful .

Regds

D L YADAV
277A NALANDA TOWN COLONY SHAMSABAD ROAD AGRA 282001
Intervener in EA 36/2023
Petitioner in WritC 7787/2020

----- Forwarded message -----

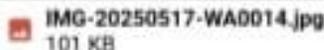
From: **Dori Lal Yadav** <dlyadavconcor@gmail.com>

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Subject: Request to ensure recovery of Environment compensation amount and completion of all pending internal development works in approved colony- Nalanda Town Colony Shamsabad road Agra

To: dmfir <dmfir@nic.in>, <commagr@nic.in>, vice chairman ada <vcadaagra@gmail.com>, <psawasup@gmail.com>, <psecup.urbandev@nic.in>

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12 कार्यालय आगरा विकास प्राधिकरण, जयपुर हाउस, आगरा।

प्रेस विज्ञापित

Annexure 5

नालन्दा टाउन निवासियों को सूचित किया जाता है कि नालन्दा टाउन में स्थित 200 KLD क्षमता के एस.टी.पी. का सुदृढीकरण का कार्य मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ.ए. सं0-329/2021 एवं निष्पादन एप्लीकेशन वाद सं0-36/2023 में पारित आदेश दिनांक 02.04.2025 के अनुपालन में आगरा विकास प्राधिकरण द्वारा चयनित फर्म मै0 केम ईको इन्जीनियर्स प्रा.लि. के माध्यम से नालन्दा टाउन कालोनी के आन्तरिक विकास भव में जमा धनराशि से करा दिया गया है। एस.टी.पी. का संचालन चयनित फर्म मै0 केम ईको इन्जीनियर्स प्रा.लि. द्वारा दिनांक 30.07.2025 से अग्रिम 06 माह तक किया जायेगा। तत्पश्चात् नालन्दा टाउन रेजीडेंट वेलफेयर एसोसिएशन (RWA)/नालन्दा टाउनवासियों द्वारा एस.टी.पी. का संचालन किया जायेगा। अतः समस्त नालन्दा टाउनवासियों से अनुरोध है कि अग्रिम एक माह में नालन्दा टाउन रेजीडेंट वेलफेयर एसोसिएशन (RWA) का गठन करते हुये आगरा विकास प्राधिकरण को सूचित करें, जिससे कि मात्र न्यायालय के आदेशों का शत प्रतिशत अनुपालन सुनिश्चित किया जा सके।

आज्ञा से
सचिव,
आ.वि.प्रा. आगरा