

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 698 OF 2023**

IN THE MATTER OF:

KAUSHALYA SHARMA

...APPLICANT

VERSUS

MATHURA VRINDAVAN DEVELOPMENT AUTHORITY & ANR.

... RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NO.
1.	Action Taken Report in compliance with order dated 02.02.2024 passed by this Hon'ble Tribunal on the behalf of Respondent No. 1 – Mathura Vrindavan Development Authority	1 - 8
2.	<u>ANNEXURE – I</u> Some of the photographs of completed green belt around the housing society	9 - 15
3.	<u>ANNEXURE – II</u> The photograph of cleaned RWH pits	16
4.	<u>ANNEXURE – III</u> The photograph of the corrected position of pipe of DG set	17
5.	<u>ANNEXURE – IV</u> A true copy of the application dated 07.03.20204 of Respondent No. 2 seeking permission from the ground water department	18 - 22
6.	<u>ANNEXURE – V</u> A true copy of the letter dated 22.03.2024 issued by the Respondent No. 2	23

NEW DELHI
DATE:15.04.2024

Through



(RACHIT MITTAL)

Advocate for Respondent No. 1
MZ-24 & 25, Ansal Fortune Arcade,
Sector 18, Noida- 201 301, Uttar Pradesh
Mob.: +91 9873997047
Email: rachit@rmlawchambers.in

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KAUSHALYA SHARMA

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ACTION TAKEN REPORT IN COMPLIANCE WITH ORDER
DATED 02.02.2024 PASSED BY THIS HON'BLE TRIBUNAL ON
THE BEHALF OF RESPONDENT NO. 1 – MATHURA
VRINDAVAN DEVELOPMENT AUTHORITY

MOST RESPECTFULLY SHOWETH:

1. That the captioned original application has been filed before this Hon'ble Tribunal by the Applicant being a member of the group housing situated at Plot No. GH – 06, under the Rukmani Vihar Residential Scheme of the Respondent No.1 seeking several directions against the Respondent No.2 for violating the norms of GO issued by the Housing & Urban Planning Department of the Government of Uttar Pradesh.
2. That the site in question was developed by Respondent No. 2 i.e., 'M/s Paras Realtech Limited,' on Plot No. GH-06 which was

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approved by the Respondent No.1 after submission of the group housing plan as per the conform standards. The Respondent No.1 sanctioned a map under the prescribed terms and conditions bearing Map No.162/ V-10-11 dated 26.11.2010.

3. That the abovementioned application was listed before this Hon'ble Tribunal on 10.11.2023 wherein this Hon'ble Tribunal was pleased to pass the following order:

"4. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of CPCB, State PCB and District Magistrate, Mathura and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for coordination and compliance.

5. Factual and Action taken Report may be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. 6. List for further consideration on 02.02.2024.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to CPCB, State PCB, and District Magistrate, Mathura by e-mail for requisite compliance."

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4. That in compliance with the aforementioned order dated 10.11.2023 the answering Respondent filed its detailed reply affidavit on 01.02.2024.
5. Thereafter, the abovecaptioned matter was listed on 02.02.2024, wherein this Hon'ble Tribunal wherein this Hon'ble Tribunal was pleased to pass the following order:

“....

2. The Tribunal by order dated 10.11.2023 had constituted a joint Committee with the direction to the Committee to visit the site, look into the grievance of the applicant and verify the factual position and suggest remedial measures.

3. The joint Committee has filed the factual and action taken report on 30.01.2024 reflecting following gross violations by the respondent no. 2: -

“3.0 Observations and Findings

On the basis of site inspection and information submitted by applicant and project proponent during inspection, observations and findings of Joint committee are as follows:

1. M/s Paras Realtech Ltd. (Paras Pride) is situated at Plot No.GH-06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil & District-Mathura. The Geo-Coordinates of the M/s Paras Realtech Ltd. (Paras Pride) in Plot No.-GI-I-06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil & District-Mathura are Latitude-27.565736 & Longitude-77.660250.

2. As per the map provided by project proponent, the total area of the housing colony is 6997.90 Sqm. and built-up area is 13593.04 Sqm. (Block No.-1 to 8 (Block 1-1814.546 Sqm, Block 2-1420.486 Sqm, Block 3-1211.236 Sqm, Block 4-2044.191 Sqm, Block 5-2048.216, Block 6-1511.991, Block 7-1814.546, Block 8-1696.640, Shopping 31.195 Sqm). The said colony Constructed G+4th floor. The approved map from concern authority is Annexure-1.

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3. Builder has not developed any specific site for solid waste collection however, representative informed that Nagar Nigam daily collected solid waste from inside bins of project area for disposal at designated site of Nagar Nigam.

4. Project Proponent has not obtained NOC from U.P. Pollution Control Board.

5. Project proponent has not obtained occupancy certificate from Mathura Vrindavan Development Authority.

6. Two nos. of Rain Water Harvesting are installed in premises but are found clogged and contaminated during inspection.

7. Project proponent is discharging untreated sewage into MVDA sewerage network.

8. Project Proponent has installed two nos. Bore wells inside premises for meeting water supply requirement but have not obtained permission from CGWA/CGWB.

9. The Exhaust/Stack height of DG set installed in premises is not as per norms.

10. Builder has not developed proper green belt area of 4191.852 sq m mentioned in plan. Only Two plants found inside project area.

11. Regional Office, U.P. Pollution Control Board, Mathura vide letter no.-1456/0-109/2024 Dated-10.01.2024 has sought information from project proponent but project proponent has not provided 2 detailed information about project. Copy of letter is annexed at Annexure-2.

12. Regional Office, U.P. Pollution Control Board, Mathura vide letter no-1459/0-109/2024 Dated-11.01.2024 (Annexure-3) and reminder letter no.-1490/0-109/2024 dated-24.01.2024 has sought information /clarification from Vice Chancellor Mathura Vrindavan Development Authority, Mathura M/s Paras Realtech Ltd. (Paras Pride Project) located in Rukmini Vihar, Vrindavan, Mathura. Reply/Information is still awaited from Mathura Vrindavan Development Authority Annexure-4.

13. Photographs taken at the time of inspection of M/s Paras Realtech Ltd. (Paras)."

4.0 Recommendations

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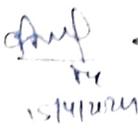
1. Project proponent to obtain Occupancy certificate from MVDA and NOC from UPPCB respectively.
2. Project proponent to obtain permission from CGWA/CGWB for withdrawal of ground water from Bore wells installed inside premises.
3. Project proponent to operate DG set only after ensuring appropriate stack height.
4. Project proponent to ensure that RWH is cleaned and RWHs are made operational as per norms and only rain water is discharged into RWH pits.
5. Project proponent to ensure Green Belt and parking norms as per approved plan of MVDA.
6. MVDA to provide status and ensure compliance of Green Belt and Parking norms as per approved plan of MVDA."

4. A reply on behalf of the respondent no. 1 has been filed mainly touching upon the action relating to maintaining the greenery and plantation of trees. Learned Counsel appearing for respondent no. 1 submits that due action in terms of the findings in the joint inspection report and the recommendations made therein will be taken by the respondent no. 1 and action taken report will be submitted before the Tribunal.

5. A reply on behalf of respondent no. 2 has also been filed but learned Counsel appearing for respondent no. 2 submits that since he has been recently engaged therefore, he could not prepare the matter and has sought adjournment.

6. Let the action taken report by respondent no. 1 be filed at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. 7. List on 18.04.2024."

6. That in compliance with the abovementioned order dated 02.02.2024, the Junior Engineer visited the site on 01.04.2024 and found that the following actions have been taken by Respondent No. 02 in the project in question:




- A. The Respondent No. 02 has completed the work of green belt in 10% of plot area in terms of the sanctioned map. Some of the photographs of completed green belt are annexed herewith and marked as **ANNEXURE – I**
- B. Further, the rain water harvesting pits which were found clogged and contaminated, during the inspection of Joint Committee, were found to be clean and it is viable to use for the purpose of rain water harvesting at the questioned site. The photograph of cleaned RWH pit is annexed herewith and marked as **ANNEXURE - II**
- C. The Respondent No. 2 has corrected the position and height of exhaust pipe of DG set. The photograph of the corrected position of pipe of DG set is annexed herewith and marked as **ANNEXURE – III**
- D. During the inspection, it was informed by the representative of Respondent No. 2 that they have applied for the permission from the ground water authority for withdrawal of ground water through borewells installed at the questioned site vide its application dated 07.03.2024.
- A true copy of the application dated 07.03.2024 of


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Respondent No. 2 seeking permission from the ground water department is annexed herewith and marked as **ANNEXURE – IV**

- E. That the Respondent No. 2 issued a letter dated 22.03.2024 to the Respondent No. 1, wherein it was informed that the Respondent No. 2 has removed all the deficiencies which were pointed out by this Hon'ble Tribunal and further, it was informed that for obtaining the completion certificate the Respondent No. 2 submitted its compounding map in the office of the Respondent No. 1. A true copy of the letter dated 22.03.2024 issued by the Respondent No. 2 is annexed herewith and marked as **ANNEXURE – V**
- F. It is to bring to the knowledge of this Hon'ble Tribunal that on the application of the Respondent No. 2 for obtaining the completion certificate, the Respondent No. 1 is in the process of demolishing the excess construction done by the Respondent No.2.
7. It is most humbly submitted that the Respondent No. 1 has always been vigilant in exercising its duties and fulfilling its responsibilities with due care and consciousness at all times and


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also has been complying with the Orders/Directions passed by this Hon'ble Tribunal. The Respondent further undertakes to comply with any direction passed by this Hon'ble in course of the proceedings.

It is most humbly prayed that this Hon'ble Tribunal may please take aforesaid action taken report on record.



15/4/24
RESPONDENT NO. 01

SUNIL KUMAR AGRAWAL
AE; MVDA

NEW DELHI

DATE: 15.04.2023

THROUGH



RACHIT MITTAL
Advocate for Respondent No. 1

ANNEXURE-I

216



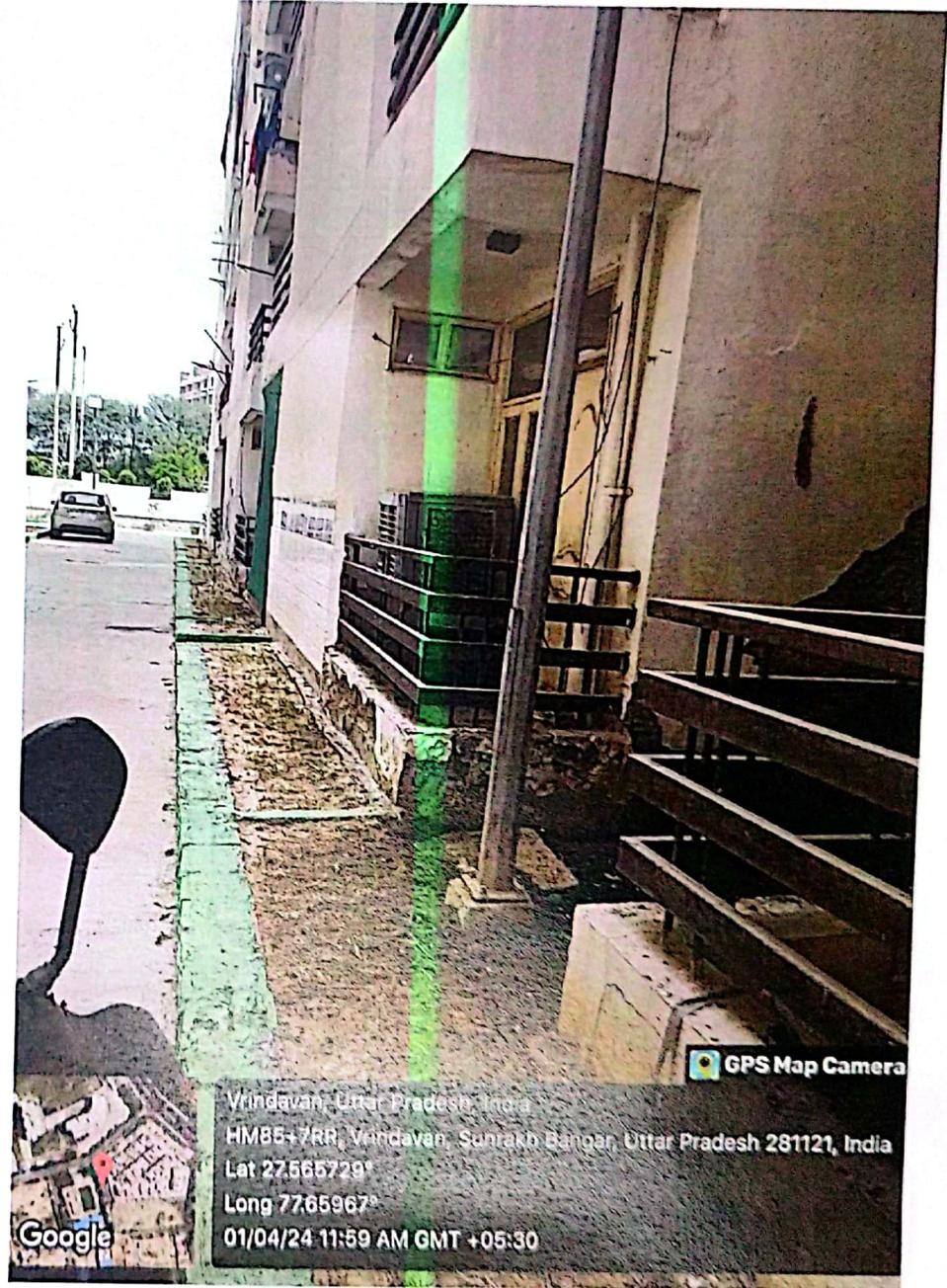

 Vrindavan, Uttar Pradesh, India
 HM85+7RR, Vrindavan, Sunrakh Bangar, Uttar Pradesh 281121, India
 Lat 27.565729°
 Long 77.65967°
 01/04/24 11:58 AM GMT +05:30

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 Vrindavan, Uttar Pradesh, India
 HM85+7RR, Vrindavan, Sunrakh Bangar, Uttar Pradesh 281121, India
 Lat 27.565954°
 Long 77.669584°
 01/04/24 11:56 AM GMT +05:30

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GPS Map Camera



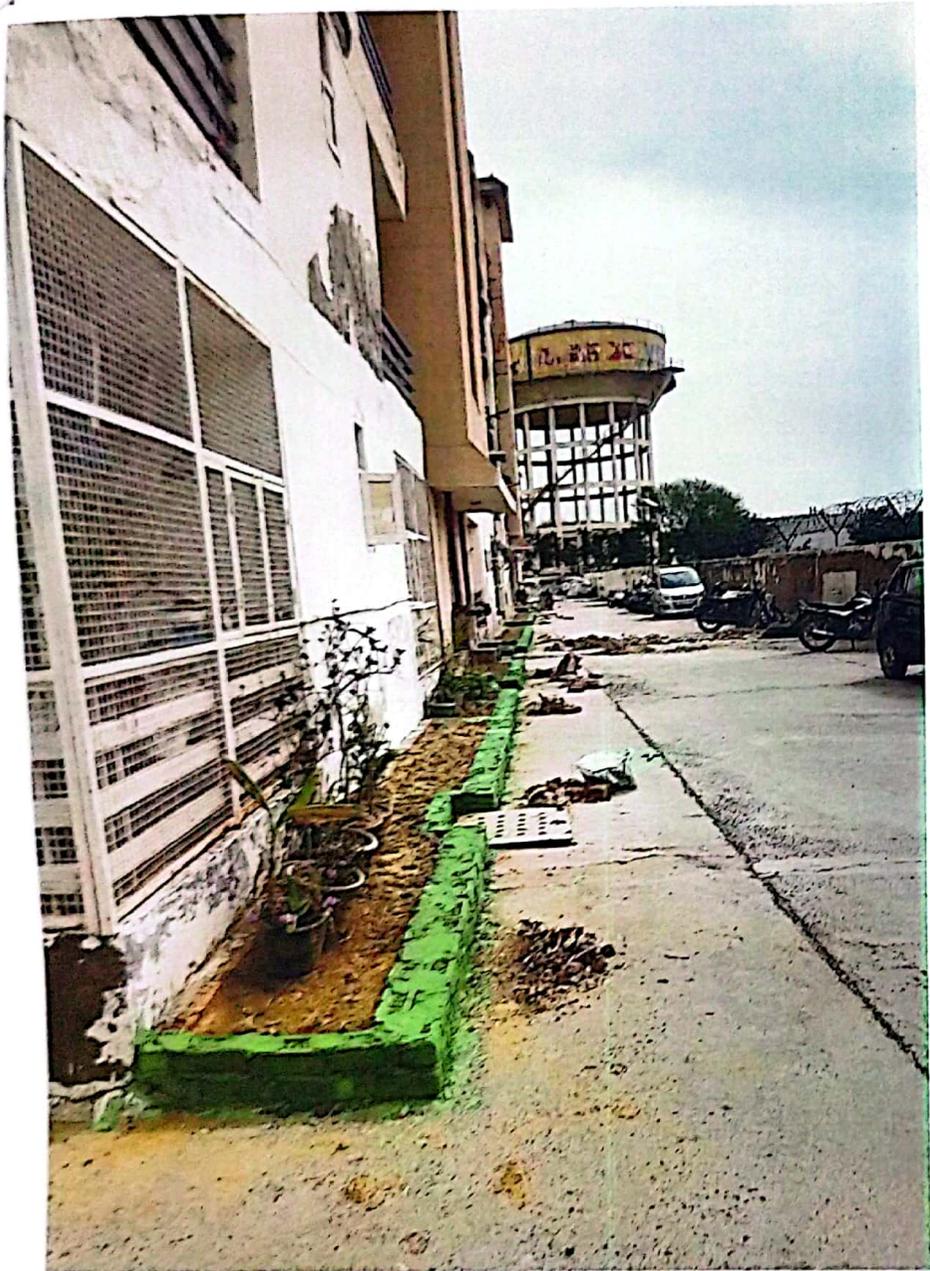
Vrindavan, Uttar Pradesh, India
 GBT, Flat No- 006, Paras Pride, Rukm... Vrindavan, Sunrakh Bangar,
 Uttar Pradesh 281121, India
 Lat 27.588174
 Long 77.680265
 30/03/24 12:39 PM GMT +05:30





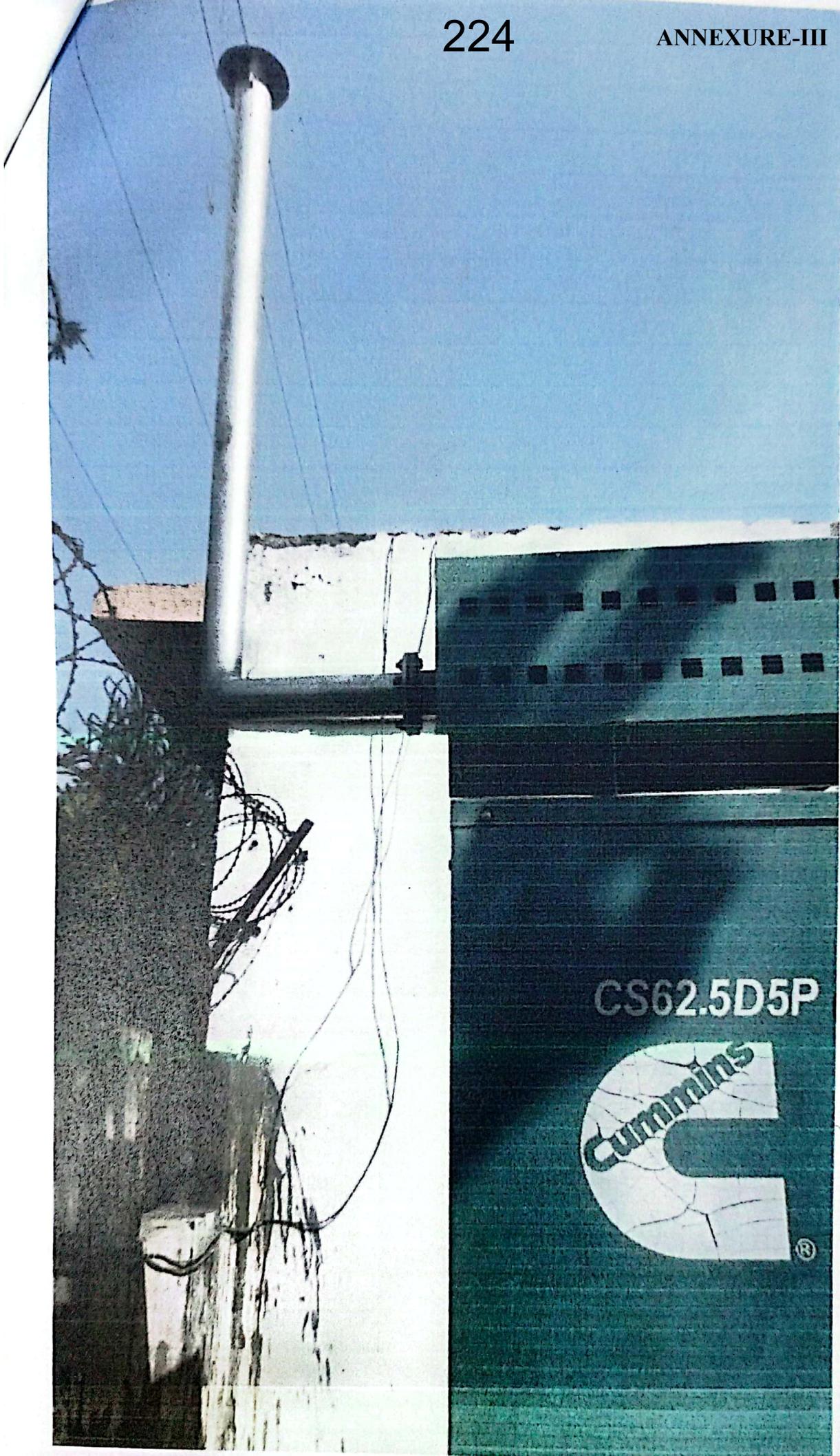
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223







GROUND WATER DEPARTMENT

(Namami Gange & Rural Water Supply Department)

Ministry of Jal Shakti

Government of Uttar Pradesh

Form 8 (A)/फॉर्म 8 (ए)

APPLICATION FOR OBTAINING GRANT OF AUTHORIZATION/NO OBJECTION CERTIFICATE FOR SINKING OF PROPOSED WELL IN NON-NOTIFIED AREA प्रस्तावित कूप की बोरिंग हेतु प्राधिकार/अनापत्ति प्रमाणपत्र प्राप्त करने के लिए आवेदन

(Any Commercial or Industrial or Infrastructural or Bulk user)
(वाणिज्यिक अथवा औद्योगिक अथवा अवसंरचनात्मक अथवा सामूहिक उपयोक्ता)

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Bill, 2019]
[धारा 14, उत्तर प्रदेश भूगर्भ जल प्रबंधन तथा विनियमन बिल, 2019 के अधीन]

Applicant's Details. आवेदक का विवरण			
Type of Applicant आवेदक का प्रकार	Behalf of Firm/Company	Application Number आवेदन संख्या	MTHR0324NBU0018
Application Date आवेदन तिथि		07/03/2024	
Name of the Applicant आवेदक का नाम	PRAVEEN TAYAL		
Mobile No. मोबाइल नंबर	9818745017	Email ID. ईमेल आईडी	prigroupdelhi@gmail.com
Date of Birth जन्मतिथि	29/11/1971	Gender लिंग	Male
Nationality राष्ट्रीयता	Indian	ID as Address Proof निवास प्रमाण हेतु आईडी	Aadhaar Card
Aadhaar Card Number	4666-9338-1228	Uploaded Aadhaar Card अपलोड किया गया आधार कार्ड	Download
House No./Flat No./Building No. मकान सं०/फ्लैट सं०/भवन सं०	GH-06 Rukmani Vihar, Vrindavan, Mathura		
City/Town/Post Office नगर/कस्बा/पोस्ट ऑफिस	MATHURA	State राज्य	Uttar Pradesh
District जनपद	MATHURA	Pin Code पिन कोड	281121
Designation पद	Director	Company Name कंपनी का नाम	PARAS REALTECH LIMITED
Company Address कंपनी का पता	GH-06, RUKMANI VIHAR, VRINDAVAN, MATHURA	Authorization Letter प्राधिकार पत्र	Download
Details of Proposed Well प्रस्तावित कूप का विवरण			
District जनपद	Mathura	Block ब्लॉक	MATHURA
Plot No./Khasra No. प्लॉट संख्या/खसरा संख्या	GH-06 ; RUKMANI VIHAR, VRINDAVAN, MATH	Municipality/Municipal Corporation नगर पालिका/नगर निगम	No
Ward No./Holding No. वार्ड संख्या/होल्डिंग संख्या	N/A	Uploaded Land Details अपलोड किया गया भूमि का विवरण	Download

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Particulars of The Proposed Well
प्रस्तावित कुूप का ब्योरा

Date of Construction/Sinking of Well कुूप की निर्माण तिथि	08/12/2023	Type of the Well कुूप का प्रकार	Tube Well/Boring
Housing Pipe If Any यदि कोई है		No	

Strainer Details
स्ट्रेनर का विवरण

Material of Strainer स्ट्रेनर की सामग्री	PVC	Number of Strainer(s) स्ट्रेनर की संख्या	2	
S.No. क्रम संख्या	Strainer Installed at what Depth from Ground Level (in Meter) स्ट्रेनर, भू-स्तर से कितनी गहराई पर स्थापित है (मीटर में)	Strainer Installed upto what Depth from Ground Level (in Meter) स्ट्रेनर, भू-स्तर से कितनी गहराई तक स्थापित है (मीटर में)	Length (In meter) लंबाई (मीटर में)	Diameter (In millimeter) व्यास (मिलीमीटर में)
1	48.00	54.00	6.00	100.00
2	54.00	60.00	6.00	100.00

Approx. Depth of Well (In meter) कुूप की अनुमानित गहराई (मीटर में)	60.00	Whether there has been Any Adverse Report Regarding Water Quality of the Well? क्या कुूप के जल की गुणवत्ता के संबंध में कोई प्रतिकूल रिपोर्ट है?	No
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Give Particulars Regarding Water Quality of the Well
कुूप की जलीय गुणवत्ता का विवरण दें

N/A

Details of Proposed Pumping Device
प्रस्तावित पंपिंग उपकरण का विवरण

Type of Pump to be Used प्रयोग किये जाने वाले पंप का प्रकार	Submersible	Pump Capacity (In m ³ /hr) पंप क्षमता (m ³ /hr)	10.00
Horse Power (H.P.) हॉर्स पावर (एच.पी.)		3.00	
Operational Device परिचालन उपकरण	Electric Motor	Date of Energization विद्युतीकरण तिथि	10/01/2024

Details of Utilization of Well
कुूप के उपयोग का विवरण

Purpose of the Proposed Well प्रस्तावित कुूप का उद्देश्य?	Bulk User	Annual Running Hours वार्षिक उपयोग (घंटे में)	2555.00
Daily Running Hours दैनिक उपयोग (घंटे में)	7.00	Whether the Water Supplied in Well Area Through Pipe Water Supply or Not? क्या क्षेत्र में जल की आपूर्ति पाइप जलापूर्ति के माध्यम से होती है?	Yes

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Other Rain Water Harvesting
Structure has been Constructed
Within the Premises? Yes
क्या परिसर में वर्षा जल संचयन
संरचना का निर्माण किया गया है?

Any Other Information Which
You Would Like to Furnish
कोई अन्य जानकारी जो आप प्रदान
करना चाहते हैं:

We are committed to comply with
all compliance conditions imposed
at the time of issuance of NOC
from U P Ground water
Department. Water supply from
Mathura Vrindavan Development
Authority is not sufficient for 297
Flats in this project . we have
already constructed 2 pits for rain
water harvesting .However we will
expand our rain water harvesting
structure within a year from the
date of issuance of NOC by U P
Ground Water Department

25550.00

Maximum Allowable Annual Extraction of Ground Water:

Capacity of Structure, Constructed for Rain Water Harvesting (M³ 3243.00) वर्षा जल के संचयन हेतु निर्मित संरचना की क्षमता (मी०³)

Does industry come under MSME ? No

क्या उद्योग MSME के अंतर्गत आता है ?

Declaration by the Applicant
आवेदक द्वारा उद्घोषणा

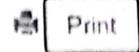
I do hereby declare that the particulars furnished herein above are correct and true. I understand that in case any of the information and particulars is found to be incorrect at any stage of scrutiny and investigation or thereafter, my application/registration is liable to be rejected/cancelled.

मैं एतद्वारा घोषित करता हूँ कि ऊपर दिये गए विवरण सही व सत्य हैं। मैं जानता हूँ कि यदि जांच पड़ताल के दौरान किसी भी स्तर पर उपरोक्त विवरण असत्य पाये गए तो मेरा आवेदन/रजिस्ट्रीकरण अस्वीकृत/निरस्त किए जाने योग्य होगा।

I Agree/सहमत

Note/नोट

- Separate application form should be used for registration of each individual well.
- The application form should be completed in all respect before submission. Incomplete applications are liable for rejection. Any correction or alteration shall be duly authenticated.
- In case any of the particulars/information is found to be incorrect at any stage of verification or scrutiny, the application is liable for rejection.
- In case any of the particulars/ information furnished is found to be incorrect at any stage even after issue of the AUTHORIZATION/ NO_OBJECTION CERTIFICATE FOR SINKING OF NEW WELL, same shall be liable for cancellation.
- Please write 'N.A.' against those items which are not applicable.
- Please attach the following documents along with the application:
 - (a) Document showing proof of ownership of land;
 - (b) Photocopy of Aadhaar card / voter ID / ration card / any other proof of identification
 - (c) Map showing location of the proposed well, which have been referred to in item no.2(a), (b) and (c).
 - (d) Affidavit referred to in item no. 7(i) or 7(ii), as the case may be (If required)
- Additional Documents to be submitted with the application
 - (I) For Industrial User
 - (a) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water supply from local government agencies in cases where ground water requirement is up to 10 cubic meter/day.
 - (b) Certificate regarding non/ partial availability of fresh water/ treated waste water supply from the concerned local government water supply agency in cases where requirement of ground water is more than 10 cubic meter/day.
 - (c) Ground water quality data of bore well/ tube well/ dug well in respect of existing industries from NABL accredited laboratories/Government approved laboratories.
 - (d) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
 - (e) Impact Assessment report: All projects extracting/proposing to extract ground water in excess of 100 m³/day in Notified and non-notified areas shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Pro-forma for the report is given in Annexure-1.
 - (II) For Commercial User
 - (a) In cases where dewatering is involved, submission of impact assessment report prepared by a consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc.
 - (b) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water from any other source in case water is required for construction in safe and semi critical areas.
 - (c) Certificate from a government agency regarding non availability of treated sewage water for construction within 10 km radius of the site in notified areas.
 - (d) Certificate of non-availability of water from local government water supply agency in respect of all categories of assessments units for commercial use.
 - (e) Details of water requirement computed as per National Building Code, 2016.(Annexure I), taking into account recycling/ reuse of treated water for flushing etc. (in case of completed infrastructure projects for commercial use).
 - (f) Completion certificate from the concerned agency for infrastructure projects requiring water for commercial use.
- The District Ground Water Management Council reserves the right to ask for any other document(s) from the owner applicant for examination of the merit of the case.



Print

Transaction Details :

Payment Reference No./ Order No. :	UP01524030711010079
Status :	SUCCESS
Transaction Amount :	5000
Transaction ID :	240307179654317
Transaction Date and Time :	2024-03-07 11:03:11
Entrepreneur ID :	UPSWP240316134
Unit ID :	UPSWP24031613402
PayIDFromBank ID :	240307179654317

Proceed to Next Action

सहायक अभियन्ता
मथुरा-तून्दावन विकास प्राधिकरण,
मथुरा।

ग.ए.ओ. इमेल सिविल

24
20/03/24
AE

विषय:- भा. हरित राष्ट्रीय आधिकारण, नई दिल्ली में
ओ.ए. सं. - 698/2023 "बी.शाल्या शर्मा बनाम मथुरा
तून्दावन विकास प्राधिकरण मथुरा एवं अन्ग में पारित
आदेश दिनांक 02-02-2024, के अनुपालन के सम्बन्ध

महोदय,

उपर्युक्त विषयक अपने पत्र दिनांक 02-02-2024 में
जो MGA के ऑडर के अनुसार जो कार्य थे वह सब कार्य
हमने पूरी तरह से पूर्ण कर दिए हैं। इस सम्बन्ध में
भिन्न सूचनाये चाही गयी है।

1. CC प्राप्ति के लिए आप को Compounding MAP जमा
करा दिए गए हैं।
2. लोरिंग परामिशन के लिए पत्र दे दिया गया है।
3. DG Set का काम पूरा करा दिया गया है।
4. RWH को सफाई करा दि गई है।
5. ग्रीन बेल्ट का काम पूर्ण तरह से नम्बे के अनुसार करा
दिया गया है।

इस सब की दायिर्तागत है।

CC:- Pollution Board, Mathura.

अवधीय
प्रवीण लामल
Paras Realtch Limited.