

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 832 OF 2024

IN THE MATTER OF:

AKASH VASHISHTHA

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENT

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6	1 - 4

FILED BY:



MALAK BHATT
ADVOCATE FOR RESPONDENT NO. 6
C-2, THIRD FLOOR, NIZAMUDDIN EAST,
NEW DELHI - 110013
M: +91-9650592002
E: malak@nmlawchambers.in

DATE: 22.04.2025
NEW DELHI

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 832 OF 2024

IN THE MATTER OF:

AKASH VASHISHTHA

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENT

ADDITIONAL AFFIDAVIT

I, Deshraj, S/o Chohal Singh, aged about 53 years, presently holding the position of Executive Engineer, Ghaziabad Nagar Nigam, having my office at Navyug Market, Ghaziabad-201002, presently in New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the deponent herein and am well acquainted with the facts and circumstances of the present case and am competent to swear this affidavit on behalf of Respondent No. 6.
2. That this affidavit is in compliance of the Order dated 05.02.2025 passed by this Hon'ble Tribunal in the above captioned matter to place on record certain additional facts.
3. I state that in terms of the Order dated 05.02.2025 passed by this Hon'ble Tribunal, the details in respect of the Shukla Park, Sector-10, Rajnagar, Ghaziabad, is as follows:
 - a) Total Area of the Park: 5952 square meters.
 - b) Area of the Park covered by Yoga Shed: 66.9 square meters.



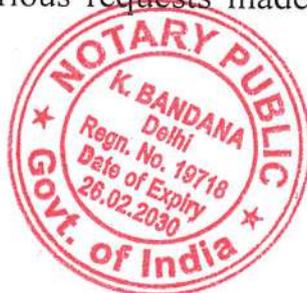
4. I further state that yoga shed is a temporary structure consisting of a covered canopy supported by poles, without any permanent construction or concretization on the floor. The surface beneath the shed remains raw and permeable, ensuring that groundwater recharge is not obstructed.
5. The temporary yoga shed is not covering any additional ground area nor obstructing any pathways, which ensured continued accessibility and environmental sustainability in compliance with the relevant laws and guidelines.
6. It is pertinent to highlight that the Government Order dated 23.03.2018 issued by the State of Uttar Pradesh (*Annexure 5 of the present OA*), issued in compliance with the Order dated 06.07.2016 passed in Execution-34/2017 in O.A. No.165/2013 titled as "*Akash Vashishtha vs. Union of India & Ors*" lays down restrictions on masonry (pucca) construction in parks. Clause 2 of the said order provides as follows:

"2. MASONRY (PUCCA) CONSTRUCTION IN PARKS

(a) *For footpaths, only Stabilized Soil/Coarse Sand/Granular Sub Base (G.S.B.) should be used in the given preference.*

(b) *The total area used for boundary wall, footpath-fountain, works done for infrastructure like public utility etc. should not exceed more than 5 percent of total area of the concerned park."*

7. It is submitted that the temporary yoga shed does not constitute masonry (pucca) construction, as it does not involve concrete or impermeable flooring. The structure is a non-permanent facility, solely aimed towards catering to the various requests made by the senior citizens and local residents.

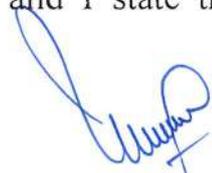


8. Furthermore, it is apposite to highlight that the Government Order dated April 2001(*Annexure 6 of the present OA*) issued by the State of Uttar Pradesh further provides as follows:

"2.2 Action at the level of Scheme/Lay-out Plan

iv. Permanent constructions (including concrete pavements) in parks should not be more than 5 percent and the footpaths and tracks should be constructed only with permeable and semi-permeable, perforated blocks."

9. The floor remains unpaved, ensuring continued groundwater permeability and ecological balance. Accordingly, the structure does not encroach upon pathways or exceeding the permissible construction limits prescribed by the relevant Government Orders.
10. I state that the temporary yoga shed has been constructed solely for the benefit of local residents, particularly senior citizens, and does not encroach upon park pathways or interfere with its ecological functions.
11. I state that the temporary yoga shed has been raised in full compliance with the law and guidelines issued time and again by the State Government.
12. I state that everything stated above has been stated by me in my official capacity based on and derived from the official records maintained by the Ghaziabad Nagar Nigam in the official capacity and I state that nothing material has been concealed therefrom.



DEPONENT

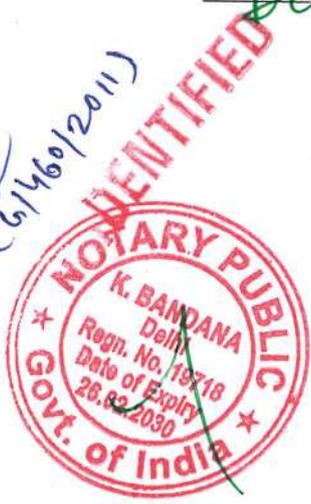


VERIFICATION

I, the abovenamed deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Verified at Delhi on this 21 APR 2025 day of April 2025.

*Made
(5/4/60/2011)*



21 APR 2025

DEPONENT

**ATTESTED
NOTARY PUBLIC DELHI
Govt. of India**

**EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7**