

BEFORE THE HON'BLE CHAIRPERSON AND PUISNE
MEMBERS,
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI
(COURT NO. 2)
ORIGINAL APPLICATION NO. 10 of 2023

IN THE MATTER OF:

Puja Kumar ...Applicant

Versus

Ansal API & Ors. ...Respondents

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Through



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Mobile No. 9990925668

Dated:- 26.11.2024

Place:- New Delhi

BEFORE THE HON'BLE CHAIRPERSON AND PUISNE MEMBERS,
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

(COURT NO. 2)

ORIGINAL APPLICATION NO. 10/2023

IN THE MATTER OF:

Puja Kumar

...Applicant

Versus

Ansul API & Ors.

...Respondents



ADDITIONAL REPLY AFFIDAVIT ON BEHALF OF LULU INDIA

SHOPPING MALL PVT. LTD. (RESPONDENT NO. 4)

I, Jayakumar Gangadharan, being the regional director and authorized signatory of the 4th respondent and having my office at Plot no. T-5 & T – 4A, IBB-2, Sushant Golf City, Shaheed Path, Lucknow, Uttar Pradesh - 226030, do hereby solemnly affirm and state as under:

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1. That this Additional Reply is being filed in continuation of the Reply

Affidavit filed by Respondent No. 4 before this Hon'ble Tribunal in

response to the query raised by this Hon'ble tribunal in this present

matter. This reply aims to address certain aspects raised in the previous

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JAY KUMAR DWIVEDI
Advocate & Notary
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proceedings and to clarify Respondent No. 4's position regarding the allegations that have been made in this matter.

2. That the present matter arises from an application filed by applicant, Puja Kumar against Respondent No. 1/PP i.e. Ansal API making certain allegations with regards to the environmental clearances and the development of a township. The specific allegations raised by the applicant in the complaint are as follows:

- The Respondent No. 1/PP has not obtained any environmental clearance or NOC from the authorities.
- The project of the Respondent No. 1/PP is coming up without any STP or drinking water supply.
- The Respondent No. 1/PP has not provided adequate plantation and green belt area in the project development plan.

However, it is crucial to emphasize that none of these allegations or claims were directed at or even remotely referenced Respondent No. 4.

No allegations have been made against Respondent No. 4 in the complaint filed by the applicant.

3. That following the filing of the aforementioned application, this Hon'ble

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Respondent No. 1/PP, directing them to file a reply addressing the allegations raised in the complaint.

4. That Subsequently Respondent No. 1/PP filed a reply to the notice issued by the Hon'ble Tribunal. However, the Hon'ble Tribunal found the reply filed by Respondent No. 1/PP to be vague and materially deficient. The Tribunal deemed that the reply did not adequately address the issues raised in the application or provide sufficient information on the status of land development for residential, public, and commercial purposes. Therefore, this Hon'ble Tribunal directed Respondent No. 1/PP to file an additional, more comprehensive reply specifically addressing these concerns.

5. That further vide Order dated 17.05.2023 the Hon'ble tribunal deemed it necessary to implead Lucknow Municipal Corporation & Lucknow Development Authority as Respondent 2 & 3 respectively in the matter, as these authorities were deemed to be necessary parties owing to their involvement in planning and development of the project.

6. That vide order dated 30.10.2023, the Hon'ble Tribunal constituted a Joint Committee to investigate the allegations raised and to submit a detailed report. The joint Committee submitted its report on 18.01.2024, which

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made several recommendations against Respondent No. 1/PP. However, it is crucial to note that committee's report did not make any reference, allegations, violations, wrongdoing, or irregularities attributable against answering respondent No. 4. Upon a careful perusal of the Joint Committee's report, it is evident that Respondent No. 4 is neither referenced nor implicated in any manner in the report. Additionally, the replies filed by Respondents No. 1, 2, and 3 in response to the Tribunal's directions also make no allegations or reference to Respondent No. 4.

7. That the only averments with respect to the answering Respondent in these proceedings has come from Respondent No. 1/PP in its additional reply, filed by way of document dated 15.01.2024. It has been averred by the Respondent No. 1 on page 14 therein, that –

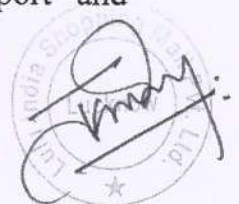


“Besides this, another STP of 800 KLD has already been installed separately in Medanta Hospital and further STP of 1 MLD has been installed at Lulu Mall located in Phase-1”.

8. That it is submitted, upon careful examination of the complaint, the Joint Committee's Report and the replies filed by Respondents No. 1-3, no allegations of violations of any environmental clearances or any other illegalities have been levelled against the answering Respondent No. 4.

There is no correlation between the allegations raised in the application,

Sign. *[Signature]* the ongoing investigation, or the Joint Committee's report and
 VISIT *[Signature]*
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Respondent No. 4. Therefore, it is abundantly clear that Respondent No. 4 has no direct or indirect involvement in the subject matter of the complaint or the present proceedings.

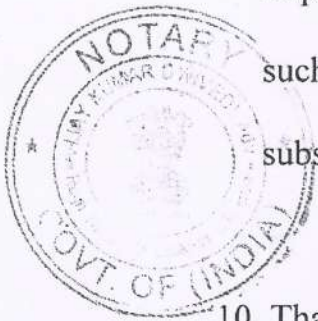
9. That despite the absence of any allegations or adverse finding against Respondent No. 4, this Hon'ble tribunal vide order dated 19.03.2024 proceeded to implead Lulu Mall as Respondent No. 4 in these proceedings. It appears that the impleadment was done solely based on the submissions and replies filed by Respondents No. 1, 2, and 3, as well as the Joint Committee's report. However, none of these documents implicate Respondent No. 4 in any alleged illegalities or violations. As such, the impleadment of Respondent No. 4 seems to be without any substantive legal basis and is, therefore, contested by Respondent No. 4

10. That in compliance with the order of this Hon'ble Tribunal, Respondent No. 4 filed its detailed reply affidavit along with all the necessary approvals and permits before this Hon'ble tribunal.

11. That vide order dated 23.10.2024 this Hon'ble Tribunal directed Respondent No. 4 to address the concerns raised regarding the

greenbelt area within the project development. Respondent No. 4 was

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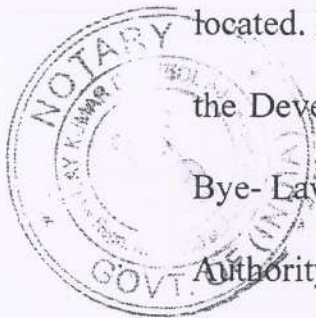


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directed to clarify the status of the greenbelt area, particularly in the context of the Lulu Mall project.

12. That in response of the Hon'ble Tribunal's specific query regarding the greenbelt area, it is submitted that as per duly sanctioned map issued by Lucknow Development Authority for Commercial Plot IBB-2 inside Sushant Golf City, the total area of the commercial plot IBB-2 is 1,63,615.95 Sq. meters. Out of the total area 45279 Sq. metres pertains to Plot no. T-5 & T - 4A, where the Lulu Mall project is located. It is pertinent to mention here that the Chapter 2 clause 2.2 of the Development Authority Building Construction and development Bye- Laws 2003 (Amendment 2011/2016) by Lucknow Development Authority stipulates about the open area to be maintained and as per sub-clause 2.2.1(ii) of the Development Authority Building Construction and development Bye- Laws 2003 (Amendment 2011/2016) which applies to non-residential developments, a greenbelt area equivalent to 5% of the total plot area must be maintained. Accordingly, the required greenbelt area for Plot Nos. T-5 and T-4A is 2,157.5 Sq. meters, and Respondent No. 4 has fully complied with this requirement.



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13. That as per the duly sanctioned plan of Lulu mall total green belt area mentioned in the approved layout is 2157.5 sq mtr and as per the duly approved EC answering respondent need to maintain 5% of green area and answering Respondent has fully adhered to these norms.

14. That answering respondent has planted more than 100 trees which are much more than the prescribed limit as mentioned in EC. Answering respondent has taken a comprehensive landscaping initiative and for the same a third-party service provider has also been engaged for maintenance and upkeep of green area. Following are the species of

trees planted within the project site:

- Alstonia Scholatos (Black Board Tree): 5
- Polyalthia Longifolia (Ashok Tree): 5
- Mimusops Elengi(Maulsari): 5
- Delonix Regia(Gulmohar): 5
- Chorisia Speciosa (Chorisia): 5
- Mombax Malbariacum(Semal): 5
- Plumeria Alba (Champa): 10
- Ficus: 26

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Sign. *Vijay Kumar Dwivedi* 26/11/2019
VIJAY KUMAR DWIVEDI
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- Carolina: 10
- Palm Tree: 9



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- Date Palm: 16
- Golden Topiary: 6
- Ficus Topiary: 7

This plantation is in line with the environmental norms and further enhances the green cover in the area, demonstrating Respondent No. 4's commitment to maintaining a sustainable and eco-friendly environment within the project. A true copy of the green belt area maintained by the Respondent no. 4 is annexed herewith and marked as **Annexure A1**.

15. In light of the above, it is reiterated that there are no allegations, violations, or adverse findings against Respondent No. 4 in the complaint, the Joint Committee's report, or the replies of the other respondents. Therefore, the inclusion of respondent No. 4 in the present proceedings is unwarranted and unjustified.

16. It is pertinent to note that, the Respondent No.4 has constructed the commercial building, which is a shopping mall, after obtaining all the requisite permissions/approval/NOCs from relevant statutory authorities. The acquisition of the land and construction of the building and ancillary structures are strictly as per the law prevailing in force.

There are no violations of any law, including but not limited to

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environmental laws in construction, management and operation of the building.

17. In view of the above, it is most respectfully prayed that the Respondent No.4 may be discharged from the proceedings and the instant application may be dismissed with qua Respondent no.4.

DEPONENT

VERIFICATION

Verified at Lucknow on this the 26th day of November 2024 that the contents of paragraphs 1 to 17 of the above affidavit are true and correct to my knowledge and belief, that no part of it is false and nothing material has been concealed there from.

DEPONENT

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BEFORE ME

Sign:
VIJAY KUMAR DWIVEDI
Advocate & Notary
Regn. 22365 Govt. of India

Identify the deponent/Executant/Surveyor who has signed/put T.J. before me.

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