

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI
ORIGINAL APPLICATION NO. 444 OFN 2023

IN THE MATTER OF:

PARYAVARAN VIKASH SANGH

....APPLICANT

VERUS.

STATE OF HARYANA & ORS.

....RESPONDENTS

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NDDH- 3/10/2024

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DATE: 01.10.2024

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**ADDITIONAL REPLY TO THE JOINT COMMITTEE REPORT ON
BEHALF OF RESPONDENT NO 7 V/S REAL PROJECT PRIVATE
LIMITED (AMB SELFIE SQUARE)**

MOST RESPECTFULLY SHOWETH:

A. The present additional reply on behalf of Respondent No. 7 to the Joint Committee Report is in addition to the reply filed against the OA 444 of 2023, and the contents of the same be read as part and parcel of the present reply and same are not being repeated for sake of brevity.

**REPLY TO ACTION TAKEN REPORT, SURVEY INVESTIGATION AND
CONCLUSION**

1. The Respondent No. 7 is a law abiding, environment conscious company, who ensures to take all the steps and measures necessary to ensure the conservation of flora and fauna. The Respondent has always complied with all the rules and regulations imperative for environmental safety and acquired all the requisite approvals and license to work in the field of construction in an efficient manner.

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2. The Answering Respondent is in the process of constructing a commercial building at Sector-37D, Gurgaon, Haryana. ACPL Design Limited, J-103, South Extension part- I, New Delhi, are the architects for the proposed projects. The construction commenced only after obtaining all the approvals, environmental clearances and licenses. The DTCP has granted building plan approval and license for construction of Commercial Colony, measuring 3.775 acres at Sector-37-D, Gurgaon, Manesar, Urban Complex
3. It is submitted that the Answering Respondent for the construction of the commercial building as per all the prescribed environmental and safety rules had got a GeoTechnical Investigation Report prepared and as per The Geotechnical investigation programme has been undertaken at the site, as per the scope of investigations stipulated by the Answering Respondent.
4. That the Answering Respondent had purchased the land and building plan approval issued by Haryana Government, and the government is well aware of the nature of land, its soil and water levels it possesses. Nothing material has been concealed nor any illegal activity has taken place. It is submitted that when the Answering Respondent purchased the land in 2014 from DTCP, at that time HWRA was not constituted, therefore, the point of taking permission to dewater did not arise. There never had been any groundwater abstraction done by the Answering Respondent. It is pertinent to mention that since 2023, there has been sub-soil water coming out on the surface when excavation of the basement happened. As it is a 3 level basement, there has been higher water levels and for assured safety and secure construction the water levels need to be balanced and taken out. Accordingly, in order to carry out dewatering for the purposes of construction, the Answering Respondent has filed Application No. **HWRA/INF/N/2023/626** before the Haryana Water Resources Authority for issuance of NOC for dewatering. The said Application is pending decision.

5. That the Answering Respondent for the construction of the commercial building as per all the prescribed environmental and safety rules had got a GeoTechnical Investigation Report. As per the Report the analysis conducted on water samples showed that it has exceeded the IS limits, therefore, it could not be used for normal concrete construction work. Therefore, when the water is not even fit for construction, let alone drinking, there can be no question of NOC for dewatering.
6. As per the Action Taken Report, the Answering Respondent did not provide any explanation for disposing of extracted saline water. It is submitted that removal of saline water is beneficial for the environment itself. And the same is done in a prescribed manner.
7. That as per the preliminary survey and investigation report (Pg-62 of the report) one sump well and one tube well were found within the premises along with these two tube wells which were found adjacent to the boundary wall of the Answering Respondent which was energized by the Respondent itself. It is submitted that the two tube wells adjacent to the boundary have no bearing on the Answering Respondent. The tube wells cannot be energized in the name of the Answering Respondent as the same is not in the name of the Answering Respondent, there has been no water or electricity bill generated for the same in the name of the Answering Respondent. There has been no proof that the tube wells belong to and are used by the Answering Respondent. Therefore, the question of any explanation for the same stands abated.
8. There has been no supporting evidence in the report which shows the water has been dewatered and discharged illegally. The pictures annexed with report as Annexure VIII (Page-215) have no bearing on the Answering Respondent, those tube wells are not energized by the Answering Respondent, nor the water and electricity bills of the those tube wells are in the name of Answering Respondent.

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9. That the tube well and sump well present within the complex has been used precautiously whenever needed. There has been no misuse of those well at any given point of time. The Answering Respondent had purchased the land and building plan approval issued by Haryana Government, and the government is well aware of the nature of land, its soil and water levels it possesses. Nothing material has been concealed nor any illegal activity has taken place. The government cannot permit the acquisition of land if the same is not fit for construction or the environment. It is submitted that as per the approval plan the Answering Respondent has provided a "3 level basement service", and for the same there has to be excavation of land at a deeper level where for patent reasons the water levels are supposed to be high and to safely raise the construction and safeguard the structures, the dewatering, if any, has to be executed with a prudent approach with the help of tube well. Although there has been no illegal dewatering done by the Answering Respondent. Moreover, as per the approval plan the disposal of wash water / rain water is to be done into the external system of the town. Therefore, sealing of the tube well and sump well should not be allowed.
10. In view of the submission made hereunder and reply to the OA, the Answering respondent is a compliant unit and has always abided by the conditions set out by DTCP. The Answering Respondent has applied for NOC from HWRA which is pending and to be approved, till then there has been no illegal dewatering done. The Answering Respondent has all the requisite permissions and approvals to carry out the activity of construction. All the rules, regulations and directions set out in the building approval plan have been adhered to by the Answering Respondent. The conditions set out in Consent To Establish has been duly followed by the Answering Respondent. The two tube wells have no link and/or

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they have never been energized in the name associated with the Answering Respondent.

11. The Answering Respondent has never violated any rule or law, and has been working within the spheres of prescribed rules and regulations, giving utmost importance to the preservation of flora and fauna. In view thereof, it is most humbly submitted that there is no action warranted against the Answering Respondent.

**DRWAN BY
FILLED BY**

THROUGH



C.L.A.P JURIS ADVOCATES & SOLICITORS
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AFFIDAVIT

I, Aakash Aggarwal, S/o Sh. M.S. Aggarwal R/o, H. No.-763A, First Floor Block-H, Near Charanjev Bharti School, Palam Vihar, Gurgaon Choma (62), Gurgaon, Haryana-122017, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the authorized signatory of the R-7 company and as such well competent to swear this affidavit.
2. That the accompanying reply on behalf of the Respondent No.7 has been drafted by my counsel under my instructions, the contents whereof are explained to me in vernacular. I say that the contents of the accompanying reply are true & correct to my knowledge relating to facts. The contents of accompanying reply may be read herein as part and parcel of this affidavit.
3. I say that the contents of the same are true and correct to my knowledge and no part of the same is false.

Aakash
D/3230/2021.
IDENTIFIED



Aakash
DEPONENT

01 OCT 2024

VERIFICATION:

Verified presently at New Delhi on ___ day of _____, 2024 that the contents of the above affidavit are true and correct to my knowledge and no part of the same is false.

ATTESTED

01 OCT 2024

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob No.: 8130128457

Aakash
DEPONENT



ATTESTED

MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. *B*



anand bisht <aandbisht57@gmail.com>

**ADVANCE SERVICE IN THE MATTER OF PARYAVARAN VIKASH SANGH VS STAT
OF HARYANA & ORS OA NO. 444 OF 2023**

1 message

anand bisht <aandbisht57@gmail.com>
To: advprakashpande@gmail.com

Tue, Oct 1, 2024 at 1:42 PM

DEAR SIR

Please find attached herewith Reply in O.A NO. 444/2023 in the caption matter Please treat this email as advance service in compliance with the filing rules.

Warm Regards,
ANAND BISHT (CLERK)
C.L.A.P JURIS (Advocates & Solicitors)
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2 attachments **PARYAVARAN VS STATE OF HARYANA ADDITIONAL REPLY.pdf**
1543K **PARYAVARAN VS STATE OF HARYANA REPLY.pdf**
3278K