

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

INDEX

IN

RESPONSE AFFIDAVIT

On behalf of the Respondent No. 7

(In Compliance with the Hon'ble Tribunal's Order dated 04.12.2024)

I.A. No. 432 of 2024

IN

Original Application No. 102 of 2023

Neeraj Chhachhar & Anr.

Applicant(s)

Versus

Baliram Ashram, Kankhal Haridwar &Ors.

Respondent(s)

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Place: New Delhi

Filed by

Dated: 07.01.2025



Anjali Rajput

Advocate

Counsel for the State of Uttarakhand

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S.No -08
07/01/2025



Affidavit of Karmendra Singh S/o
Sh. Vijay Bahadur Singh, presently
posted as District Magistrate,
Haridwar, Uttarakhand.

(DEPONENT)

I, the above-named deponent, do hereby solemnly affirm and State:

That the deponent is presently posted as District Magistrate,
Haridwar, Uttarakhand.

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हरिद्वार

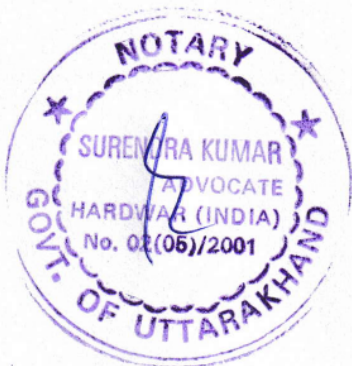
1. That on 04.12.2024, after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to direct the respondents to file a reply to the I.A. No. 432 of 2024 in present Original Application. The relevant paras of the said Order dated 04.12.2024 is being quoted here for the kind perusal of this Hon'ble Tribunal:


“

3. *“I.A. No. 432/2024 has been filed by respondents no. 4 to 8 for modification of order dated 01.03.2024 and 10.05.2024.*
4. *Copy of I.A. No. 432/2024 be supplied to the applicants as well as other respondents.*
5. *Reply to I.A. No. 432/2024 may be filed by the applicants and other respondents if so desired at least one week before the next date of hearing.*

.....”

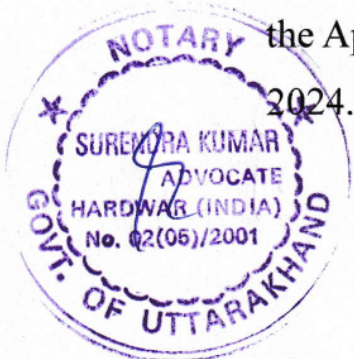
2. That para wise reply of Respondent No. 7 in the matter of I.A. No. 432 of 2024 in O.A. No. 102 of 2023 is as given in followings paras.
3. That the statements contained in Para Nos. 1 and 2 of the I.A. pertain about the Respondent No. 4 to 8 and distribution of ancestral property among the respondents as part of family arrangement and necessary permission obtained for construction of residential units and shops in the land in question. Accordingly, the said paragraphs do not merit any reply.




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4. That the contents of Para Nos. 3 to 7 of present I.A are matters of record and do not merit any specific response. Any assertions or implications contrary to the record are expressly denied.
5. That the contents of Para No. 8 are matters of adjudication and thus, do not merit any response from the Answering Respondents. Any assertions or implications contrary to the record are expressly denied. However, it is pertinent to mention that the Respondents No. 4 to 8 has deviated the plan as approved by the Haridwar-Roorkee Development Authority (HRDA) on 08.08.2019 and subsequently, the HRDA sealed the project on 01.11.2023.
6. That it is pertinent to state that during the course of hearing in the matter on 10.05.2024, the counsel appearing for the project proponent has stated before the Hon'ble Tribunal that no construction will be carried out at the site in question without the leave of the Hon'ble Tribunal. The statement made by the counsel of project proponent has been recorded in the order issued on 10.05.2024. Further that the application has been moved by the project proponents for compounding of violations made at the construction site before the HRDA, which is pending before the HRDA. Application of compounding may be disposed of as per regulations and procedure of HRDA with the leave of the Hon'ble Tribunal in the instant matter. However, it is prayed that deletion of parties is a matter of adjudication. It is relevant to point that the reliefs, if any, granted in the Application may not come in the way of the Order dated 10 May

2024.



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7. That it is respectfully submits that reports submitted from time to time before the Hon'ble Tribunal in the matter, it is stated that the said construction site is beyond the demarcated flood plain area based on 1:100 years flood frequency, and therefore, as such, there is no restriction on construction activities, however, prior approval from competent authorities would be required as per statutory requirements.

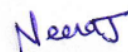
8. That in reply of Para Nos. 9 & 10 of I.A., it humbly submits that as stated in preceding paras, the area where construction was permitted is beyond the flood plain area based on 1:100 years flood frequency, and deviation made by the Respondent Nos. 4 to 8 may be dealt under the regulatory framework.

I, the above named deponent, do hereby verify that the contents of Para nos. 1 to 8 of this affidavit are true to my knowledge, which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.




DEPONENT

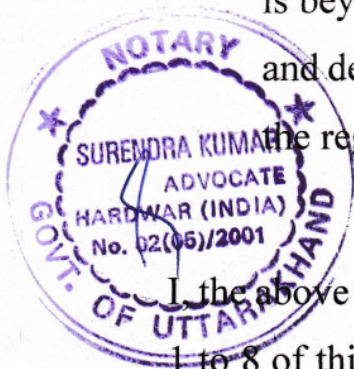
I, NEERAJ Jn. Asst, do hereby identify the deponent who has produced the records of the case before me and I am satisfied that he is the same person as alleged.



IDENTIFIER

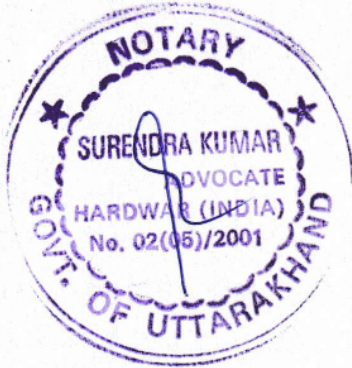


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Solemnly affirmed before me today, the 07 day of January 2025 by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit, which have been read over and explained to him.



OATH COMMISSIONER/NOTARY

ATTESTED

SURENDRA KUMAR
NOTARY, ADVOCATE
DISTT. COLLET, HARDWAR

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