

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
M.A. NO. 142/2024
IN
ORIGINAL APPLICATION NO. 458 OF 2022

IN THE MATTER OF:

SHESHAN TYAGI

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENT

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FILED BY



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DATE: 21.04.2025
NEW DELHI

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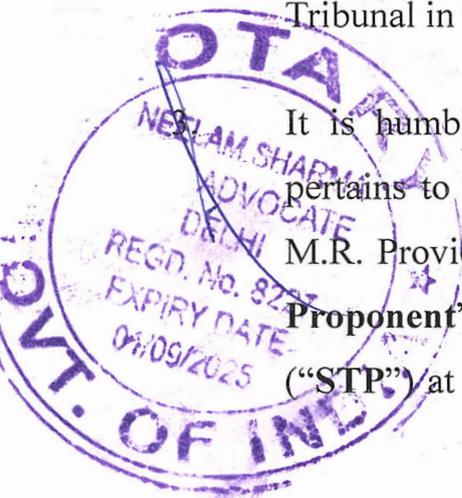
...RESPONDENT

COMPLIANCE AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4

I, K.P Anand , S/o Durga Prasad , aged about 31 years, presently holding the position of Executive Engineer (water supply), Ghaziabad Municipal Corporation, having office at Navyug Market, Ghaziabad-201002, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Executive Engineer water supply of Respondent No. 4 and I am well acquainted with the facts and circumstances of the present case and am competent to swear this affidavit on behalf of Respondent No. 4.
2. That the present affidavit is filed in compliance with the directions contained in the Order dated 07.03.2025 passed by this Hon'ble Tribunal in the above captioned matter.

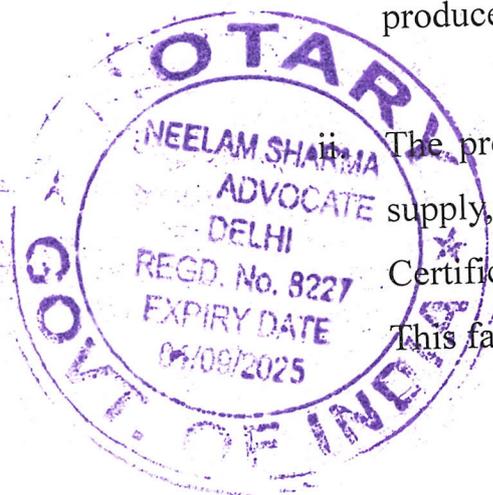
It is humbly submitted that the grievance raised by the Applicant pertains to the alleged unauthorized extraction of groundwater by M/s M.R. Proview Real tech Pvt. Ltd. (here in after referred to as "**Project Proponent**") and the absence of a functional Sewage Treatment Plant ("**STP**") at the Officer's City 2, Raj Nagar Extension, Ghaziabad (here



in after referred to as “Project Site”). The Applicant has further alleged that untreated domestic sewage is being directly discharged into the storm water drain, there by causing environmental degradation and contravening the mandate of the Water (Prevention and Control of Pollution) Act, 1974.

4. Pursuant to the notice dated 23.03.2025 served upon to Respondent No. 4, a site inspection was carried out on 16.04.2025 by the Junior Engineer (Water), City Zone-II, Ghaziabad Municipal Corporation in respect of the project site of the Project Proponent.
5. It is submitted that during the course of the site inspection, various aspects concerning the water supply and sewage management systems of the said project were examined. The inspection was carried out with a view to ascertain the veracity of the allegations made by the Applicant and to determine the compliance status of the Project Proponent with applicable municipal and environmental norms.
6. Upon such inspection, the following facts were observed:
 - i. The sewer connection for the said group housing project was laid by the Ghaziabad Development Authority (“GDA”) on 30.03.2019, and a copy of the receipt confirming the same was produced by the project entity during inspection.

The project entity operates two submersible tube wells for water supply, however, they do not possess a valid No Objection Certificate (“NOC”) for the same from the appropriate authority. This fact was ascertained during the physical visit to the premises.



- iii. The said group housing project falls under the jurisdiction of the GDA, and not under the administrative or statutory jurisdiction of the Ghaziabad Municipal Corporation. Therefore, necessary regulatory and enforcement action in the matter lies with in the domain of the GDA and other competent authorities.

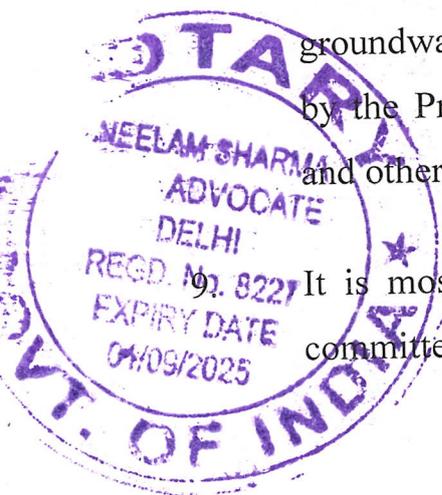
A true copy of the Inspection Report dated 16.04.2025 issued by the Junior Engineer (Water), City Zone-II, Ghaziabad Municipal Corporation is annexed herewith as ANNEXURE A.

7. The findings from the above inspection were formally communicated by the General Manager (Water), Ghaziabad Municipal Corporation, through Letter No. 88/ST GM/2025-26 dated 17.04.2025 to the Additional District Magistrate (Land Revenue), Nodal NGT Officer, Ghaziabad, in reference to the letter dated 15.04.2025 issued by his office.

A true copy of the Letter dated 17.04.2025 issued by General Manager (Water), Ghaziabad Municipal Corporation is annexed herewith as ANNEXURE B.

8. It is most respectfully submitted that Respondent No. 4 has no direct role or jurisdiction in the establishment, regulation, or approval of infrastructure facilities, including sewage treatment systems and groundwater extraction, within the said group housing project developed by the Project Proponent, which falls within the purview of the GDA and other competent authorities.

It is most respectfully submitted that the Respondent No. 4 remains committed to extending full cooperation to this Hon'ble Tribunal and to



all other concerned authorities in ensuring compliance with environmental norms and statutory obligations.

10. 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 Respondent No. 4 in the official capacity and I state that nothing material has been concealed therefrom.

[Signature]
DEPONENT

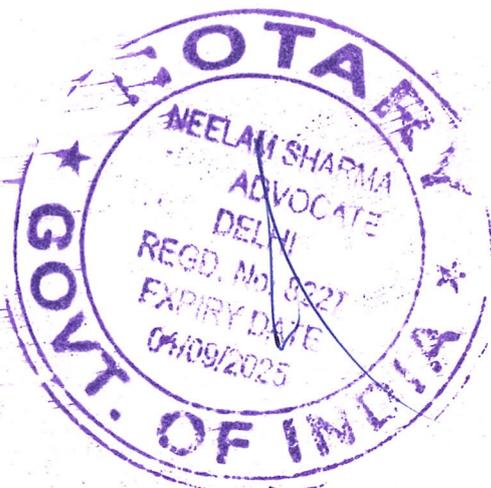
VERIFICATION

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 _____ on this _____ day of April 2025.

21 APR 2025

[Signature]
DEPONENT



ATTESTED
[Signature]
NOTARY (Govt. of India)
Neelam Sharma
Advocate
C/A No 1657, Gate No. 15,
Patel's House Court,
New Delhi-110001
M.F. 9892408301

[Signature]
I identified the deponent who has signed in my presence

21 APR 2025

कृपया अवगत कराना है कि ई0भेल के माध्यम से दिनांक-22.03.2025 को माननीय हरित अधिकरण, नई दिल्ली के समक्ष विचाराधीन ओ0ए0 संख्या-458/2022 शिशान त्यागी बनाम उ0प्र0 राज्य व अन्य में दाखिल एम0ए0 संख्या-143/2024 का नोटिस प्राप्त हुआ है। जिसका सम्बन्ध मैसर्स एम0आर0 प्रोव्यू रियलटेक प्रा0लि0 राजनगर एक्सटेंशन गाजियाबाद स्थित ग्रुप हाउसिंग प्रोजेक्ट द्वारा आपने डोमेस्टिक सीवर को बिना शोधित किये हुये सीधे बरसाती नाले में डाले जाने के सम्बन्ध में योजित की गयी है। जिसमें नगर निगम गाजियाबाद को उत्तरदाता संख्या-02 पर पक्षदार बनाते हुये नोटिस जारी किया गया है। उक्त के सम्बन्ध में आज दिनांक-16.04.2025 को मेरे द्वारा स्थलीय निरीक्षण किया गया जिसमें पाया कि:-

1. M/S M R Proview Realtech Pvt Ltd.- Dovelper of officer's City 2 Raj Nagar Extension Ghaziabad की सीवर लाईन संयोजन दिनांक-30.03.2019 को जी0डी0ए0 के द्वारा कराया गया था जिसकी आवंटी की प्रति/रशीद संलग्न है जो आज दिनांक-16.04.2025 को निरीक्षण के समय सोसायटी द्वारा अभिलेख उपलब्ध कराये गये।
2. M/S M R Proview Realtech Pvt Ltd.- Dovelper of officer's City 2 Raj Nagar Extension Ghaziabad में जलापूर्ति के लिये इनके निजी 02 सर्वमसिबल नलकूप लगे है। जिसकी एन0ओ0सी0 इनके पास नहीं है। जिसकी जानकारी सोसायटी मे जाकर प्राप्त हुई।
3. उक्त ग्रुप हाउसिंग प्रोजेक्ट गाजियाबाद विकास प्राधिकरण के अन्तर्गत आता है जो नगर निगम गाजियाबाद को हस्तगत नहीं है। उक्त प्रकरण में आवश्यक कार्यवाही गाजियाबाद विकास प्राधिकरण से आपेक्षित है।

आख्या सादर प्रेषित है।

Mansi
16.04.25
अवर अभियन्ता(जल)
सिटी जोन-द्वितीय

AE
16.04.2025

16.04.25
er/5m



गाजियाबाद नगर निगम

प्रेषक,

महाप्रबन्धक(जल)
गाजियाबाद नगर निगम।

सेवा में,

अपर जिलाधिकारी(भू0अ0)/
नोडल एन0जी0टी0,
गाजियाबाद।

पत्रांक:- 88

/एस0टी0-जी0एम0/2025-26

दिनांक 17/04/25

विषय:-

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0संख्या-458/2022(एम0 ए0 संख्या-142/2024) Sheshan Tyagi Versus State of Uttar Pradesh & Ors. के सम्वन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने कार्यालय पत्र संख्या-317/आठ-अ0जि0आ0/नोडल-एन0जी0टी0/गा0वाद दिनांक 15.04.2025 का सादर सन्दर्भ ग्रहण करने का कष्ट करे, जिसके माध्यम से मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0संख्या-458/2022(एम0 ए0 संख्या-142/2024) Sheshan Tyagi Versus State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 07.03.2025 में विभागीय तथ्यात्मक आख्या यथाशीघ्र उपलब्ध कराने की अपेक्षा की गयी है, जिससे समेकित आख्या तैयार कर जिलाधिकारी महोदय की ओर से रिस्पान्स मा0 अधिकरण के समक्ष ससमय दाखिल किया जा सके।

उक्त के क्रम में वांछित विभागीय तथ्यात्मक आख्या पत्र के साथ संलग्न कर आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक-उपरोक्तानुसार।

भवदीय

(प्र)
महाप्रबन्धक(जल)
गाजियाबाद नगर निगम

पत्रांक व दिनांक तदैव:-

प्रतिलिपि:-

2-
3-

जिलाधिकारी महोदय, गाजियाबाद को सादर सूचनार्थ प्रेषित।
नगर आयुक्त महोदय को सादर सूचनार्थ प्रेषित।
पत्रावली।

महाप्रबन्धक(जल)