

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 251 OF 2021

IN THE MATTER OF:

DALJEET SINGH & ANR.

...APPLICANT(S)

VERSUS

UTTAR PRADESH POLLUTION

CONTROL BOARD & ORS.

...RESPONDENT(S)

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Through:

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Date: 04.01.2022

Place: Noida

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 251 OF 2021

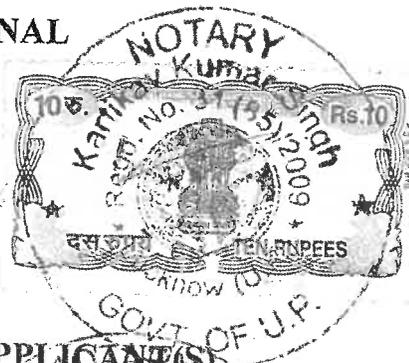
IN THE MATTER OF:

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...RESPONDENT(S)

COUNTER AFFIDAVIT/ REPLY ON BEHALF OF RESPONDENT NO.4/

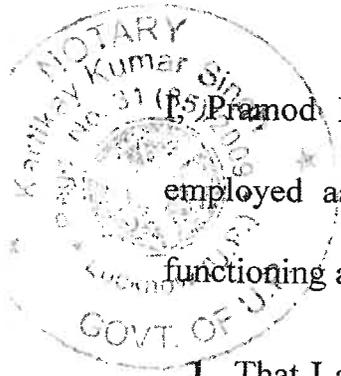
CENTRAL GROUND WATER AUTHORITY

Pramod Kumar Tripathi, S/o Late Mukta Prasad Tripathi, Aged 52 year, employed as Head of Office, Central Ground Water Board Northern Region, functioning at Lucknow, do hereby solemnly affirm and declare as under:

1. That I am duly authorized and competent to swear this affidavit on behalf of Central Ground Water Authority, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, in the above matter.
2. That I have read and understood order passed by the Hon'ble NGT and filing this Counter Affidavit in compliance of direction passed by the Hon'ble Tribunal.

The contents of the Appeal that have not been specifically admitted hereunder or are matter of record be deemed denied.

3. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.



SWORN & VERIFIED
 BEFORE ME
 Kartikay Kumar Singh
 (Advocate)
 NOTARY
 Lucknow (U.P.)
 31/1/2022

BRIEF SUBMISSIONS:

5. That, the Applicant under this application primarily seeks directions from this Hon'ble Tribunal to direct herein Respondent No.1, (Uttar Pradesh Pollution Control Board) to levy environmental compensation on the Respondent No. 6 herein, M/s Shakumbari Mines hereinafter referred as **Project Proponent** for undertaking illegal river bed sand mining on over 20.469 Hectares located at Gata No. 228, Village Badauli, Tehsil Unn, District Shamli, UP opposite District Karnal, Haryana, at par the terms laid down in the order passed in the matter of *NGT Bar Association vs. Virendra Singh (State of Gujrat)* and to restrain the project proponent from carrying out any mining activity unless a consent to operate is furthered by UPPCB.

6. It is submitted that the Project Proponent has never approached CGWA seeking No objection Certificate ('NOC') for abstraction of ground water to carry out mining activity. Accordingly, there was no NOC extended to the Project Proponent for ground water extraction. The Project Proponent has also overlooked and not complied with guidelines issued by Central Ground Water Authority dated 24.09.2020. Further, the local administration has manifested lackadaisical approach in the present matter by not verifying if the commencement of sand mining by the Project Proponent is duly backed by requisite permission and approvals from the concerned authorities.

7. Further, it is submitted that Issuing/Renewal of NOC to the project proponents in the State of Uttar Pradesh is no longer within the purview of CGWA. It is

SWORN & VERIFIED
BEFORE ME
Kartikay Kumar Singh
(Advocate)
the concerned State Government / Union territory administration. To that effect
Uttar Pradesh State Ground Water Management & Regulatory Authority is

constituted separately by the State of Uttar Pradesh and is vested with the

power of regulating and managing the ground water resources besides issuing of NOCs for ground water abstraction in the State of U.P., therefore the Project Proponent shall to seek NOC from the Ground Water Department of Uttar Pradesh. It is pertinent to mention that Ground Water Department of Uttar Pradesh completely functional since October, 2020.

PARA WISE REPLY:

A. The contents of Para A does not warrant reply from the answering Respondent as the same is a matter of record.

8. In reply to the contents of Para 1, it is submitted that the Project Proponent, never approached CGWA seeking permission for ground water extraction and accordingly no NOC was issued in favour of the Project Proponent to proceed with extraction of ground water.

9. The contents of Para 2 and 3 does not pertain to the answering Respondent hence need no reply.

10. The contents of Para 4 are matter of record.

11. The contents of Para 5 warrants no response from the answering respondent as the same does not pertain to CGWA. However, the said act is highly condemned.

12. In reply to the contents of Para 6 it is submitted that Project Proponent has not sought any NOC from CGWA for extraction ground water, accordingly, NOC was not issued in favour of the Project proponent. Further, it is submitted that

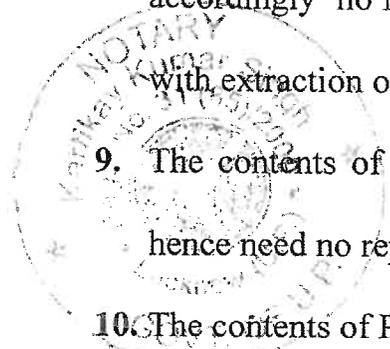
Issuance & Renewal of NOC to the project proponents in the State of Uttar Pradesh

is no longer within the purview of CGWA. It is pertinent to mention that

permission from CGWA for extraction of ground water is required only

where ground water development is not regulated by the concerned State

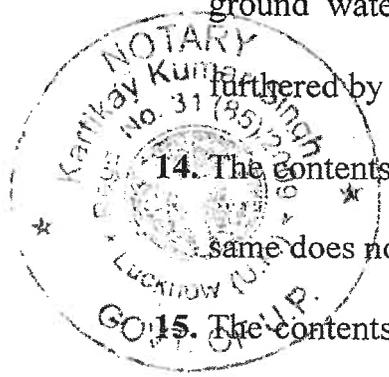
Government / Union territory administration. To that effect Uttar Pradesh State



SWORN & SUBSCRIBED
BEFORE ME
Kartik Kumar Singh
(Advocate)
INDIA
Date: 31/08/2023

Ground Water Management & Regulatory Authority is constituted separately by the State of Uttar Pradesh and is vested with the power of regulating and managing the ground water resources besides issuing of NOCs for ground water abstraction in the State of U.P., therefore the Project Proponent shall to seek NOC from the Ground Water Department of Uttar Pradesh. It is pertinent to mention that Ground Water Department of Uttar Pradesh completely functional since October, 2020.

13. The contents of Para 7 and 8 are matter of record and warrants no reply from the answering respondent. It is further submitted that provided the Project Proponent is indulged in Illegal Mining of sand along with Illegal extraction of ground water, shall hereby compensate in accordance with the mechanism furthered by this Hon'ble Tribunal.



14. The contents of Para 9 warrants no reply from the answering Respondent as the same does not pertain to CGWA.

15. The contents of Para 10 warrant no response from the answering Respondent. However, the averments therein regarding approval for ground water extraction is concerned, it is submitted that the Project Proponent never approached CGWA for approval regarding abstraction of ground water and accordingly no NOC has been granted by CGWA.

16. The contents of Para 11 warrants no reply from the answering respondent as the same is a matter of record.

17. The contents of Para 12 to 15 warrant no response from the answering Respondent as the same does not pertain to CGWA.

SWORN & VERIFIED
BEFORE ME
3/11/2022

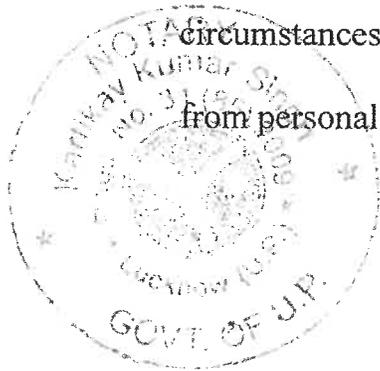
18. In reply to the contents of Para 16 it is submitted that the averments therein regarding approval for ground water extraction is concerned, it is submitted that the Project Proponent never approached CGWA for approval regarding abstraction of ground water and accordingly no NOC has been granted by

CGWA. It further submitted that since the U.P. Ground Water Authority is completely functional department, the mining projects abstracting ground water are required to seek NOC from the concerned State Ground Water Authority. Moreover, all the project proponents in the jurisdiction of Uttar Pradesh are now required to comply with the provisions of Uttar Pradesh Ground Water (Management & Regulation) Act, 2019.

19. The contents of Para 17 to 33 warrant no response from the answering Respondent as the same does not pertain to CGWA.

It is therefore respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and

circumstances of this case. The answering respondent may kindly be exempted from personal appearance.



VERIFICATION

Verified at Lucknow on this 3 of January 2022, that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

(पी. के. त्रिपाठी)
वैज्ञानिक-डी एवं कार्यालय प्रमुख
केन्द्रीय भूमि जल बोर्ड (उ.प्र.)
भारत सरकार
लखनऊ-226021

DEPONENT

(पी. के. त्रिपाठी)
वैज्ञानिक-डी एवं कार्यालय प्रमुख
केन्द्रीय भूमि जल बोर्ड (उ.प्र.)
भारत सरकार
लखनऊ-226021

SWORN & VERIFIED
BEFORE ME
Kartikey Kumar Singh
(Advocate)
NOTARY
Lucknow (U.P.) INDIA
Date 3/1/2022

I know and identify the deponent who has signed this affidavit before me.

1/4/22, 1:47 PM

Ardhendumauli Mail - Reply: O.A. No. 251 of 2021 Daljeet Singh & Anr. Versus Uttar Pradesh Pollution Control Board & Ors

a

Ardhendumauli Prasad <mail@ardhendumauli.com>

Reply: O.A. No. 251 of 2021 Daljeet Singh & Anr. Versus Uttar Pradesh Pollution Control Board & Ors

1 message

Chambers of Mr. Ardhendumauli Kr. Prasad <mail@ardhendumauli.com>
To: anant2k94@gmail.com

Tue, Jan 4, 2022 at 1:46 PM

Sir,

Please find attached reply to be filed on behalf of the Central Ground Water Board (R-4) in the above-captioned matter.

Kindly treat this as an effective service.

Regards,
Ashish Madaan
Advocate

FOR:

Mr. Ardhendumauli Kumar Prasad
Advocate on Record
Supreme Court of India

Office:

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 **Reply_OA 251 of 21 PB Daljeet Vs. UPPCB and Ors.pdf**
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**VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

Appeal/Original Application No. 251 of 2021

IN THE MATTER OF:

Daljeet Singh & Anr.

...APPLICANT

VERSUS

Uttar Pradesh Pollution Control Board & Ors.

...RESPONDENT

KNOW ALL to whom these present shall come that I, PRAMOD KUMAR TRIPATHI, about 52 Years, S/o Late M.P. Tripathi, working as Head of Office having office at Bhujal Bhawan, Central Ground Water Board, Northern Region, Sector-B, Aliganj, Sitapur Road Yojna, Lucknow-226021.

The above named do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this Tribunal in which the same may be tried or heard subject to payment of fees by CGWB. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other applications/petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money AND cheques towards compensation, grant receipts thereof and to do all other lawful acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. And I/We the undersigned do hereby agree to ratify and confirm all lawful acts done by the Advocate or his substitute authorized by Tribunal in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid in terms of M/o law & Justice OMs/Orders/guidelines, to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Tribunal. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same unless it is erroneously settled and if the case prolongs for more than 3 years the fee shall be regulated in accordance with the guidelines of M/o Law & Justice issued from time to time.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 3 day of January 2022.

Accepted subject to the terms of fees prescribed by M/o Law & Justice for cases in NGT.


ARDHENDUMAULI KUMAR PRASAD
Senior Central Government Standing Counsel
A-52, Sector 17-A, NOIDA, U.P. 201301
Mobile No. 9818612800
E-Mail: mail@ardhendumauli.com

CLIENT

कार्यालय प्रमुख
HEAD OF OFFICE
केन्द्रीय भूमि जल बोर्ड (उत्तर प्रदेश)
Central Ground Water Board (N.R.)
भारत सरकार
Government of India
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