

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

O.A NO. 249 OF 2024

IN THE MATTER OF:

KAPIL DEV

...APPLICANT

VERSUS

STATE OF PUNJAB & ORS.

...RESPONDENTS

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(Sachar Anand)
Advocate for the Respondent No.3
14, 1st Floor, National Park
Lajpat Nagar-IV, New Delhi-110024
Phone No.-9958792346
Email- sachar_anand@yahoo.co.in

Place: New Delhi
Dated: 27.06.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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O.A NO. 249 OF 2024

IN THE MATTER OF:

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COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT

NO. 3

I, Ashok Pathria, the Executive Officer, Municipal Council, Zirakpur, Punjab do hereby solemnly affirm and declare as under: -

1. That I have read and understood the contents of the Original Application and I specifically deny the contents of the same, save and except those, which are specifically admitted herein.

PRELIMINARY SUBMISSIONS

2. That it is most humbly submitted that the averment of the applicant/ petitioner herein that the answering respondent is culpable under section 28 of the National Green Tribunal Act, 2010 is completely baseless and does not hold water. Moreover, it is submitted that the apart from just hurling bald allegations the applicant/ petitioner has failed to show as to how the answering respondent herein is guilty of

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the said offence. On the contrary it is submitted that the answering respondent herein has clearly stated and given the status report of the development work being carried out by them in order to tackle the said situation, and therefore, by no stretch of imagination can it be said that the answering respondent herein has been negligent of its duties.

3. That the averment of the applicant/petitioner herein that the answering respondent herein is guilty of offences under section 24(1) read with section 43,44 & 48 of the Water (Prevention & Control of Pollution) act, 1974 is entirely baseless and does not hold water. It is pertinent to mention that the answering respondent herein did not permit anyone or voluntary caused the discharge of the effluent into the water bodies. On the contrary, the answering respondent herein has taken a plethora of active measures like getting a new sewage treatment plant constructed and getting other projects constructed wherein the sewage water is diverted to a sanitary sewer, therefore, by no stretch of imagination can it be claimed that the respondent has been negligent in performing it's duties.

4. That at the outset it is submitted that the water discharge from a drain passing under the National Highway at location 2 i.e., a plot

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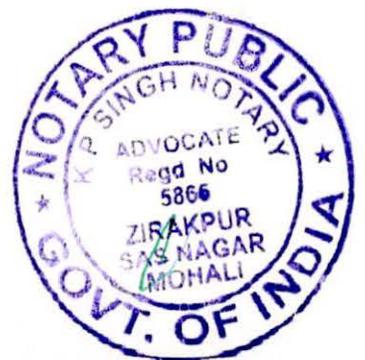


(bearing GPS coordinates 30.635001, 76.801559) adjoining 'Jai Shiv Shankar Marble' situated opposite to Maruti Suzuki Arena Showroom is from a commercial market. Furthermore, it is extremely pertinent to mention that an estimate amount of Rs. 157.43 Lakhs has been received from the Executive Engineer, Punjab Water Supply & Sewerage Division, Ropar, and after obtaining the appropriate sanctions from the house of the Municipal Council, Zirakpur the said amount would be utilized for the execution of the project, wherein, the water flowing from the commercial market is proposed to be diverted to a sanitary sewer crossing the National Highway near the Maruti Suzuki Showroom. Further on, the said project will be completed in nearly six months after getting approval from the House of the Municipal Council, Zirakpur, and pursuant to that, the problem of domestic sewage will be resolved at locations 2, 3 & 4.

5. That it is the humble submission of the answering respondent herein that qua location no.1 i.e., the distributary passing along Chatt Bir Zoo marked in colour Red in Annexure- R1, a separate Sewage Treatment Plant is planned to cater this area and land for this purpose has already been identified in village Bakarpur. Further on, it is pertinent to mention that the said land where the

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abovementioned sewage treatment plant is proposed to be constructed is panchayat land and that the process to transfer the said land to Municipal Council Zirakpur is underway. Moreover, the route along which the sewer pipeline is proposed to be built is private land and the Municipal Council, Zirakpur along with the Punjab Water Supply and Sewerage Board have taken active steps to lay underground sewer lines. Furthermore, it is the humble submission of the answering respondent herein that once the abovementioned legal formalities are completed an estimate will be prepared by the Punjab Water Supply and Sewerage Board, and that consequently, the project would be completed within a time frame of 18-24 months.

REPLY TO GROUNDS FOR PETITION:

6. That in reply to the grounds for the petition, it is the humble submission of the answering respondent herein that the contents of the same are absolutely false and frivolous and hence are denied in its entirety. The averment made by the applicant herein that the answering respondent herein was in active connivance with unknown colonies and failed to carry out its official duty is completely baseless and is not backed by any credible evidence.

REPLY TO FACTS IN DETAILS: -

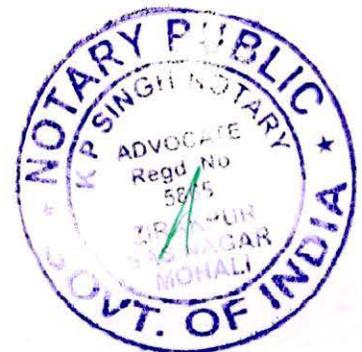

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7. That in reply to para 1 of the facts in detail it is humbly submitted that the contents of the said para does not merit any reply since the same is within the special knowledge of the applicant/petitioner herein.
8. That in reply to para 2 of the facts in detail it is humbly submitted that the contents of the said para are not denied, however, it is the humble submission of the answering respondent herein that a separate Sewage Treatment Plant is planned to cater this area. Further on, it is pertinent to mention that the said land where the abovementioned sewage treatment plant is proposed to be constructed is panchayat land and that the process to transfer the said land to Municipal Council Zirakpur is underway. Moreover, the route along which the sewer pipeline is proposed to be built is private land and the Municipal Council, Zirakpur along with the Punjab Water Supply and Sewerage Board have taken active steps to lay underground sewer lines.
9. That in reply to para 3 of the facts in detail, it is the humble submission of the answering respondent the contents of the same does not raise averment against the answering respondent herein, however at this juncture, it would be absolutely prudent to mention that qua the said locations the said sewage effluent discharge comes

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from the nearby commercial market. Furthermore, an estimate amount of Rs. 157.43 Lakhs has been received from the Executive Engineer, Punjab Water Supply & Sewerage Division, Ropar, and after obtaining the appropriate sanctions from the house of the Municipal Council, Zirakpur the said amount would be utilized for the execution of a project, wherein, the water flowing from the commercial market is proposed to be diverted to a sanitary sewer crossing.

10. That in reply to para 4 of the facts in detail, it is submitted that contents of para 4 under Preliminary submissions of this reply be read as part and parcel to reply of this para.
11. That in reply to para 5 of the facts in detail, it is the humble of submission of the answering respondent herein that the contents of the same are denied to the extent that the answering respondent herein has deliberately not stopped the alleged polluters. Furthermore, it is humbly submitted that the said averment of the applicant/petitioner herein is not backed by any credible evidence and is absolutely baseless. On the contrary, the answering respondent herein has taken proactive steps as stated in the preceding paragraphs and which are not being repeated herein for the sake of brevity, to stop the problem of sewage discharge at the said



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locations, therefore, the averment of the petitioner that the answering respondent herein has failed to carry its obligations and duties is absolutely baseless.

12. That in reply to para 6 of the facts in detail, it is the humble submission of the answering respondent herein that the contents of the same are denied in their entirety. The averment of the applicant/petitioner herein that the answering respondent herein is liable to be punished under section 28 of the National Green Tribunal Act, 2010 as it failed to perform its lawful duty of sustainable development is absolutely baseless. It is pertinent to mention that the applicant/petitioner herein has failed to prove as to how the answering respondent herein failed to comply with its official duties and obligations. On the contrary it is submitted that the answering respondent herein has clearly stated and given the status report of the development work being carried out by them in order to tackle the said situation, and therefore, by no stretch of imagination can it be said that the answering respondent herein has been negligent of its duties.

13. That in reply to para 7 of the facts in detail it is most humbly submitted that the contents of the same are matters on record and hence do not merit any reply.

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14. That in reply to para 8 of the facts in detail it is most humbly submitted that the contents of the same are matters on record and hence do not merit any reply.

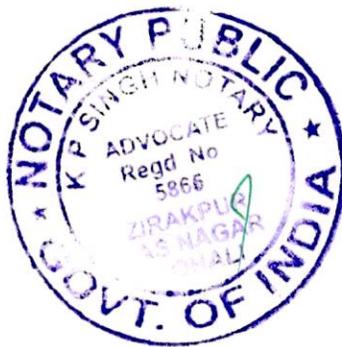
15. That in light of the above submissions, it is submitted that the present Original Application is nothing more than a coercive and intimidating tactic on the part of the petitioners herein to harass the answering respondent and therefore the same is liable to be dismissed by this Hon'ble Court outrightly.

The Contents of the affidavit Documents has been read over to the Deponent/Executant He/She has accepted this correct


DEPONENT
 Executive Officer,
 Municipal Council,
 Zirakpur (Distt. S.A.S. Nagar)

VERIFICATION: -

Verified at Zirakpur on this day²⁸ of June, 2024, that the facts stated in the above affidavit are true to best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.




DEPONENT
 Executive Officer,
 Municipal Council,
 Zirakpur (Distt. S.A.S. Nagar)

28 JUN 2024

ATTESTED AS IDENTIFIED

NOTARY
 (GOVT OF INDIA)
 ZIRAKPUR

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Aman Kumar Thakur <amankumarthakur1992@gmail.com>

Reply in O.A No. 249/2024 title as Kapil Dev VS STATE OF PUNJAB & ORS

1 message

Aman Kumar Thakur <amankumarthakur1992@gmail.com>

Mon, Jul 1, 2024 at 12:10 PM

To: Kapil Arora <aroraengineers@gmail.com>

Cc: cs@punjab.gov.in, dc.mhl@punjab.gov.in, ca@gmada.gov.in, eic.pwssb@punjab.gov.in, "Sanchar Anand, Advocate, Supreme Court Of India, Delhi, 9958792346" <sanchar_anand@yahoo.co.in>

Dear Sir/Madam,

Please find attached herewith the softcopy of the Reply on behalf of Respondent No.3 in the captioned matter.

Thanking you,

Warm Regards

*AMAN KUMAR THAKUR**Advocate**OFFICE OF Mr. SANCHAR ANAND(Adv)***Final Reply In Kapil Dev vs SoP and ors_28.06.2024.pdf**

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