

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI**  
**(UNDER SECTION 18(1) READ WITH SECTIONS 14 & 15 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010)**

**ORIGINAL APPLICATION NO. 633 OF 2025**

**IN THE MATTER OF:**

**Pankaj Prasad**

**...Applicant**

**Versus**

**Uttar Pradesh Pollution Control Board (UPPCB) & Ors.**

**...Respondents**

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For Prateek Realtors India Pvt. Ltd.



Authorized Signatory

DATE: 09/05/2026

RESPONDENT No. 6



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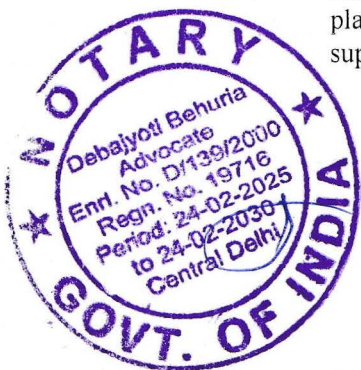
Uttar Pradesh Pollution Control Board (UPPCB) & Ors.

...Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 6 – PRATEEK REALTORS INDIA PRIVATE LIMITED**

I, **Sunil Kumar Mittal**, S/o Late Sh. Jai Prakash Mittal, aged about Major, R/o B-1107, Prateek Fedora, E-11, Sector-61, Noida, Gautam Budh Nagar, Uttar Pradesh, presently working as President (Admin.) with and being Authorized Signatory of M/s Prateek Realtors India Private Limited, having its Corporate Office at A-42, Sector 67, Noida, Uttar Pradesh – 201301, do hereby solemnly affirm and state on oath as follows:

1. That I am the Authorized Signatory of the Answering Respondent, i.e., M/s Prateek Realtors India Private Limited (Respondent No. 6 herein), and am duly authorized by the Board of Directors of the said company vide Board Resolution dated 08.09.2020 to depose and file the present Counter Affidavit on behalf of the Answering Respondent. I am fully conversant with the facts and circumstances of the present case, based on my personal knowledge and the records of the company, and am therefore competent to swear this affidavit.
2. That the accompanying Counter Affidavit has been drafted under my instructions and the averments made therein have been read over and explained to me. I further state that the averments contained herein are true and correct to the best of my knowledge and belief, based on the records of the company and legal advice received, which I believe to be correct.
3. At the outset, I deny each and every averment and allegation made in the present Application, which is contrary to and/or inconsistent with what has been stated in the present Affidavit-in-reply and nothing stated therein shall be construed as an admission for want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter. I crave to leave of this Hon'ble Tribunal to file copies of the communications with the Divisional Commissioner, Meerut Division regarding the complaint of illegal diversion of the drain route as and when required by this Hon'ble Tribunal.
4. That the Applicant has filed the present OA seeking directions to halt the alleged illegal construction activities relating to a drain in Siddharth Vihar, District Ghaziabad, Uttar Pradesh, and has further sought restoration of the open drain's original character at the expense of the public authorities and the Answering Respondent, without knowing the actual defaulter for the entire incident of 01.05.2025. The Applicant has also sought environmental compensation under the "Polluter Pays" principle and demolition of alleged illegal constructions.
5. I say and most respectfully submits that the present OA is wholly misconceived, bereft of merit, and based on a distorted and incomplete presentation of facts. The Answering Respondent craves leave of this Hon'ble Tribunal to file this Counter Affidavit and place on record the true and complete factual matrix, which has been deliberately suppressed by the Applicant.



6. **PRELIMINARY OBJECTIONS:**

At the outset, and without prejudice to the rights and contentions of the Answering Respondent on the merits of the case, the Answering Respondent raises the following preliminary objections to the maintainability of the present OA:

a. **Maintainability of the Application:**

- i. It is respectfully submitted that the present OA does not raise any substantial question relating to the environment within the meaning of Section 14 of the NGT Act, 2010. The Applicant has primarily raised grievances relating to the laying of Hume pipes in the path of a drain along the boundary of the Answering Respondent's project site, which was an emergent remedial measure undertaken for the safety and welfare of over 3,000 (three thousand) resident families. Pertinently, the said action does not constitute an "environmental issue" warranting the intervention of this Hon'ble Tribunal.
- ii. It is worthwhile to take into account that the Hon'ble Supreme Court of India in **Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India, (2012) 8 SCC 326**, has held that the jurisdiction of the National Green Tribunal under Section 14 of the NGT Act is confined to cases involving a "substantial question relating to the environment" including enforcement of any legal right relating to the environment. The present OA, in substance, relates to a civil dispute regarding drain maintenance and construction activities, which does not give rise to a substantial environmental question.
- iii. It is further submitted that the Applicant is a resident of Pratap Vihar, Ghaziabad, and is also an allottee of Flat No. P2-002 in Prateek Grand City. Therefore, the Applicant's real grievance appears to be one of a disgruntled flat buyer rather than a genuine environmental concern. Pertinently, the present OA has been filed with the oblique motive of harassing the Answering Respondent and pressurizing it into acceding to extraneous demands under the guise of environmental protection.
- iv. It is further submitted that the Applicant has failed to establish any direct nexus between the laying of Hume pipes by the Answering Respondent and any actual environmental damage. However, the Applicant has merely made sweeping and unsubstantiated allegations without providing any scientific or technical evidence to demonstrate that the said activity has caused or is likely to cause any environmental degradation.

b. **Suppression of Material Facts:**

It is respectfully submitted that the Applicant has approached this Hon'ble Tribunal with unclean hands and has deliberately suppressed material facts that are critical to the just determination of this matter. The Applicant has failed to disclose the following material facts:

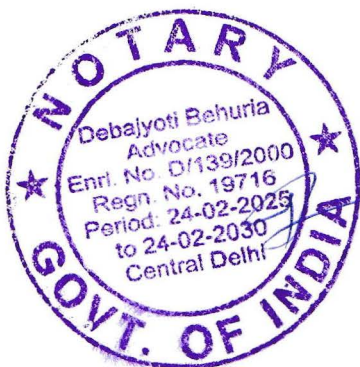
- i. That the original route of the drain (Kachha Nala) coming from Vijay Nagar, Pratap Vihar, was a straight course running through the land of another developer, namely the Prestige Group, situated ahead of the Answering Respondent's site and towards NH-9. The said developer has illegally diverted the route of the drain at an angle of more than 90 (ninety) degrees at the entrance point of its site (along with its boundary), thereby fundamentally altering the natural flow of the drain and creating a bottleneck that directly contributed to the flooding incident.
- ii. It is pertinent to note here that the Answering Respondent had filed a detailed representation dated 06.05.2025 before the Divisional



Commissioner, Meerut Division, reporting the illegal diversion of the drain route by the said other developer, and demanding an investigation into the matter. Copy of the Representation dated 06.05.2025 given by the Answering Respondent to the Divisional Commissioner, Meerut Division, regarding the illegal diversion of the drain route is annexed herewith and marked as **Annexure R-6/1**.

- iii. That pursuant to the said representation, the Divisional Commissioner, Meerut, vide Letter No. 568/PA/2025 dated 13.05.2025, directed the District Magistrate, Ghaziabad, to submit a detailed report on the matter. Copy of the Letter No. 568/PA/2025 dated 13.05.2025 issued by the Divisional Commissioner, Meerut Division, to the District Magistrate, Ghaziabad, directing submission of a detailed report is annexed herewith and marked as **Annexure R-6/2**.
- iv. It is worthwhile to note here that the District Magistrate, Ghaziabad, constituted a committee to investigate the issues of diversion of the drain, and the Answering Respondent received a notice dated 17.05.2025 from the ADM City, Ghaziabad, to submit its reply. Pursuant to the notice, the Answering Respondent submitted a detailed reply along with annexures on 19.05.2025. Copy of the Notice dated 17.05.2025 received from the ADM City, Ghaziabad, summoning the Answering Respondent's reply is annexed herewith and marked as **Annexure R-6/3**. Copy of the detailed Reply dated 19.05.2025 submitted by the Answering Respondent to the ADM City, Ghaziabad is annexed herewith and marked as **Annexure R-6/4**.
- v. It is also pertinent to note here that a report published in the local newspaper Dainik Jagran dated 05.07.2025 confirmed that the investigation had found that the route of the drain had been illegally diverted by the said other developer, which is not even a party to the present OA.
- vi. That the Master Plan of Siddharth Vihar Yojna, Ghaziabad, as available on and downloaded from the official website of UPAVP (Uttar Pradesh Awsa Evam Vikas Parishad), clearly shows the straight route of the drain marked in blue, which further corroborates the illegal diversion by the third-party developer. Copy of the Master Plan of Siddharth Vihar Yojna, Ghaziabad, downloaded from the official website of UPAVP, showing the original straight route of the drain marked in blue is annexed herewith and marked as **Annexure R-6/5**.
- vii. It is most respectfully submitted that the Apple Map images clearly show the original straight route of the drain in contrast to the diverted route, which has been altered at multiple bends, completely changing the original course of the drain and creating a bottleneck that directly contributed to the flooding incident dated 01.05.2025. Copy of the Apple Map photograph of the Siddharth Vihar locality showing the original route of the drain in blue and the diverted route in red is annexed herewith and marked as **Annexure R-6/6**.
- viii. It is most respectfully submitted that the suppression of these material facts is deliberate and calculated to mislead this Hon'ble Tribunal. Pertinently, the Hon'ble Supreme Court of India in S.P. Chengalvaraya Naidu v. Jagannath, (1994) 1 SCC 1, has held that a litigant who approaches the Court with unclean hands and suppresses material facts is not entitled to any relief. The relevant observation of the Hon'ble Supreme Court is reproduced herein:

*"A person whose case is based on falsehood has no right to approach the Court. He can be summarily thrown out at any stage of the*



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*litigation... The Courts of law are meant for imparting justice between the parties. One who comes to the Court, must come with clean hands."*

- ix. It is further submitted that the Applicant has deliberately attributed the flooding incident and the drain modification entirely to the Answering Respondent while concealing the role of the other developer (Prestige Group) whose illegal diversion of the drain route was the primary and proximate cause of the flooding. This selective and misleading presentation of facts demonstrates the malafide intent of the Applicant.
- x. It is also pertinent to note here that the present Applicant is trying to mislead this Hon'ble Tribunal by labeling the cause of flooding incident dated 01.05.2025 over the Answering Respondent. However, the Applicant failed to disclose that the alleged Hume pipes laying process was initiated by the Answering Respondent as precautionary measure after the 01.05.2025 incident.
- xi. In view of the above, the Answering Respondent humbly submits that the present OA deserves to be dismissed at the threshold for suppression of material facts and for approaching this Hon'ble Tribunal with unclean hands.

#### 7. BRIEF AND FACTUAL MATRIX:

At the outset and without prejudice to the preliminary objections raised hereinabove, the Answering Respondent sets forth the true and complete factual matrix of the present matter for the kind consideration of this Hon'ble Tribunal:

- a. It is submitted that the Answering Respondent, M/s Prateek Realtors India Private Limited, is a company duly incorporated and registered under the Companies Act and is engaged in the business of real estate development. The Answering Respondent was allotted and conveyed approximately 40 (forty) acres of land in the year 2014 by the Uttar Pradesh Awas Evam Vikas Parishad (hereinafter referred to as "UPAVP") in its Siddharth Vihar Pariyojna, Ghaziabad, for the development of group housing thereon.
- b. That the Answering Respondent planned to carry out the development in a phased manner. In the first phase, the Answering Respondent proposed to construct and complete approximately 4,500 (four thousand five hundred) apartments. Pertinently, the development of the First Phase was successfully completed around 2021, and the apartments commenced to be occupied by the allottees/residents. As of the date of filing of the present OA, more than 3,000 (three thousand) families are residing in the said apartments in the completed First Phase of the project, namely "Prateek Grand City."
- c. It is worthwhile to note here that after the near-complete completion of the First Phase, the next phase of the scheme was launched in or around September 2024. The Answering Respondent has been carrying out the development of the project in full compliance with all applicable laws, rules, regulations, and the terms and conditions of the allotment by UPAVP.
- d. It is pertinent to mention that during this period, another parcel of land situated in the same locality, ahead of the Answering Respondent's site and towards NH-9, was being acquired and/or planned for development for another large group housing project by another developer, namely the Prestige Group. This fact is of critical significance to the present controversy, as will be demonstrated hereinafter.
- e. It is pertinent to mention that a drain (commonly known as "Kachha Nala") of Ghaziabad, coming from Vijay Nagar and Pratap Vihar, runs along a small portion of the boundary of the Answering Respondent's land, at a sufficient distance of around 20-30 ft. from the boundary. The said drain then passes through the Ganga Jal Pariyojna area, an Electricity Substation, and thereafter



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through the site of the said other developer (Prestige Group), before finally falling into the Hindon River at NH-9.

- f. That on 01.05.2025, there was extremely heavy and unprecedented rainfall in the Ghaziabad region. Due to the heavy flow of water, the wall of the said drain near the Answering Respondent's site was damaged and breached. The drain water, along with filth and debris, entered inside the project site, both in the portion that had been completed and occupied by over 3,000 (three thousand) families, as well as in the portion that was under construction.
- g. It is worthwhile to note here that the drain water and filth logged into the basements of the residential towers to a height of approximately 1 (one) to 1.5 (one point five) feet, causing immediate and severe disruption to all essential services in the group housing, including but not limited to electricity supply, water supply, lift operations, and sewage treatment. The lives of all residents staying in the high-rise buildings (up to 26 (twenty-six) floors) were fully disturbed and placed in a state of emergency.
- h. Pertinently, the Answering Respondent submits that the flooding incident was not caused by any act or omission on its part but was a direct consequence of the illegal diversion of the drain route by the other developer (Prestige Group), which had altered the natural straight course of the drain at an angle of more than 90 (ninety) degrees, creating an artificial bottleneck that caused the drain water to back flow and breach the drain wall near the Answering Respondent's site during heavy rainfall.
- i. Since the Answering Respondent was in charge of the common area and common services maintenance at the project, it was compelled to face the wrath of the residents as well as the district administration. That even the UPAVP lodged an FIR against the Answering Respondent, despite the fact that the Answering Respondent was itself a victim of the illegal diversion of the drain by the third-party developer.
- j. That the Answering Respondent immediately deployed its team for clearing the basements of drain water and filth and took all necessary steps to restore normalcy within the minimum possible time, acting in the interest of the safety and welfare of the over 3,000 (three thousand) resident families.
- k. It is pertinent to mention here that to prevent the reoccurrence of such a devastating situation and to protect the lives and property of the over 3,000 (three thousand) resident families, the Answering Respondent planned and undertook the conversion of the open drain from an open channel to a covered channel by laying RCC Hume Pipes of appropriate diameter in the path of the drain along the side of the boundary of its site. This was a limited, targeted, and emergent remedial measure undertaken solely for the safety and welfare of the residents. It is worthwhile to note that the Answering Respondent had professionally completed the laying process of RCC Hume Pipes and also constructed manholes at a sufficient distance for easy maintenance of the covered channel.
- l. It is emphatically submitted that the said remedial work was carried out in the full knowledge and presence of the officials of the local administration as well as the officials of UPAVP, the jurisdictional authority of the Answering Respondent. At no point during the execution of the work did any authority raise any objection or direct the Answering Respondent to stop the work.
- m. Pertinently, the UPAVP issued a letter bearing No. 2254/M22/583 dated 30.08.2025, stating that the Hume pipes being laid by the Answering Respondent should be of appropriate size and directing the Answering Respondent to get the capacity analysis done from an independent consultant or institution. The Answering Respondent fully complied with this direction.



Copy of the UPAVP Letter No. 2254/M22/583 dated 30.08.2025 directing the Answering Respondent to conduct capacity analysis of the Hume pipes is annexed herewith and marked as **Annexure R-6/7**.

- n. It is worthwhile to mention here that as per the directions of UPAVP, the Answering Respondent engaged an independent consultant to conduct a thorough capacity analysis of the Hume pipes. The capacity analysis report was duly prepared and submitted to UPAVP along with a covering letter/reply dated 03.09.2025. Pertinently, the said report confirmed that the Hume pipes laid by the Answering Respondent were of adequate and appropriate capacity to handle the drain flow.
- o. It is significant to note that after the submission of the capacity analysis report on 03.09.2025, UPAVP did not issue any further correspondence, objection, or direction to the Answering Respondent regarding the Hume pipes or the drain modification. The silence of UPAVP, the jurisdictional authority, after receipt of the capacity analysis report, is a clear indication that the authority was satisfied with the adequacy and appropriateness of the remedial measures undertaken by the Answering Respondent.
- p. That the Answering Respondent thereafter completed the pipe-laying work. It is reiterated that the Answering Respondent is no longer carrying out any modification to the drain. Pertinently, the Hume pipes have been laid in the path of the drain limited to the extent of along the side of the boundary of the site, and the technical analysis of capacity has been duly submitted to and accepted by UPAVP.
- q. That after the water-logging incident occurred at the Answering Respondent's site, the Answering Respondent conducted its own investigation and discovered through Apple Map images that the path of the said drain was originally straight, running through the land of the other developer (Prestige Group). However, the said developer had illegally diverted the route of the drain at an angle of more than 90 (ninety) degrees at the entrance point of its site, and by giving other bends, the original route of the drain had been completely diverted.
- r. It is submitted that this illegal diversion of the drain route by the Prestige Group was the root cause and proximate cause of the flooding incident at the Answering Respondent's site. By diverting the drain at a sharp angle and through multiple bends, the natural flow of the drain was severely impeded, creating a bottleneck that caused the drain water to back flow and overflow during heavy rainfall.
- s. The Answering Respondent filed a detailed representation dated 06.05.2025 before the Divisional Commissioner, Meerut Division, reporting the illegal diversion of the drain route and demanding a thorough investigation into the matter.
- t. That Pursuant to the said representation, the Divisional Commissioner, Meerut, vide Letter No. 568/PA/2025 dated May 13, 2025, directed the District Magistrate, Ghaziabad, to submit a detailed report covering specific points enumerated therein.
- u. Subsequently, the District Magistrate, Ghaziabad, constituted a committee to investigate the matter. The Answering Respondent received a notice dated 17.05.2025 from the ADM City, Ghaziabad, seeking its reply in relation to the matter, and the Answering Respondent submitted its detailed reply dated 19.05.2025.
- v. It is significant and noteworthy that a report published in the local newspaper Dainik Jagran dated 05.07.2025 confirmed that the investigation conducted by the committee constituted by the District Magistrate had found that the route



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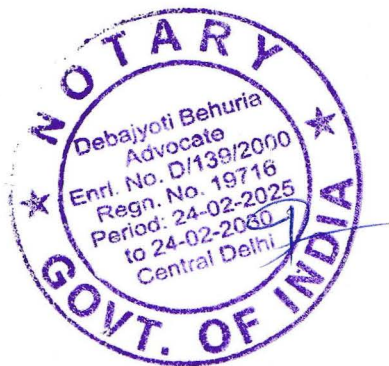
of the drain had been illegally diverted. This finding of the official investigation committee conclusively establishes that the illegal diversion by the third-party developer was the real cause of the drain-related problems in the area, and not the remedial measures undertaken by the Answering Respondent.

- w. That the Master Plan of Siddharth Vihar Yojna, Ghaziabad, as available on and downloaded from the official website of UPAVP, clearly shows the original straight route of the drain marked in blue. The Apple Map photographs further show the original route in blue and the diverted route in red, providing irrefutable evidence of the illegal diversion by the third-party developer.
- x. The Applicant has deliberately and maliciously suppressed all of the above facts from this Hon'ble Tribunal and has sought to attribute the entire responsibility for the drain-related issues to the Answering Respondent, while completely concealing the role of the other developer whose illegal diversion of the drain was the primary and proximate cause of the flooding incident.

#### 8. PARA-WISE REPLY TO THE ORIGINAL APPLICATION:

The Answering Respondent sets forth below its specific para-wise reply to the averments and allegations contained in the Original Application:

- a. That the contents of Para 1 of the present OA are matter of record and related to the address of the counsel for the Applicant and require no specific comment from the Answering Respondent.
- b. That the contents of Para 2 are matter of record and related to the addresses of the Respondents and require no specific comment from the Answering Respondent.
- c. It is submitted that the contents of Para No. 3 are wrong and denied in its entirety. It is further submitted that the Answering Respondent has not carried out any "illegal modification" of the open drain. The Answering Respondent has merely laid Hume pipes in the path of the drain along the side of the boundary of its site as an emergent remedial measure to prevent reoccurrence of the flooding incident and to protect the lives and safety of over 3,000 (three thousand) resident families. Pertinently, technical capacity analysis has been duly submitted to and accepted by UPAVP. The Applicant's characterization of the remedial work as "illegal" is vehemently denied. It is also submitted that the request of halting the laying process of Hume pipes is itself immaterial in nature as before the listing of present Application the laying process was completed by the contractor. It is specifically denied that the Answering Respondent is trying to encroach the green belt of both sides of kacha nalla, it is clearly evident from the above set of facts that all the measures taken by are just remedial measures for the safety of 3000 resident families.
- d. It is submitted that the contents of Para No. 4 are a matter of record and require no specific comment from the Answering Respondent. However, the Answering Respondent is not aware of and does not admit the specific measurements stated by the Applicant regarding the drain's width and depth. The Applicant has not disclosed the source, methodology, or authority on the basis of which he has ascertained the measurements of the drain, and the same are therefore denied for want of verification and proof.
- e. It is submitted that the contents of Para No. 5 are wrong false and denied in toto. However, the Answering Respondent is not aware of the specific measurements of the drain as stated by the Applicant. The Applicant has not disclosed the basis or source of the measurements claimed, and the same are denied for want of knowledge and proof. The Answering Respondent puts the Applicant to strict proof of the same. Pertinently, the alleged depth and width



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are specifically denied and the actual measurements done by the third-party vendor before the laying process is most reliable available source for the width and depth of the open drain.

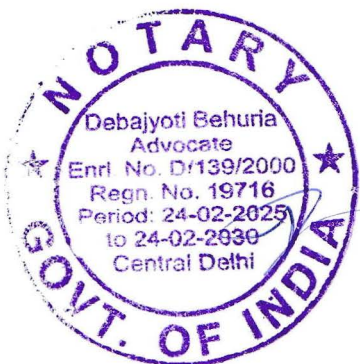
- f. It is submitted that the contents of Para No. 6 are a matter of record and no specific comment is required from the Answering Respondent.
- g. It is submitted that the contents of Para No. 7 are a matter of record and no specific comment is required from the Answering Respondent.
- h. It is submitted that the contents of Para No. 8 are wrong, false and hence denied. It is most respectfully submitted that the Answering Respondent is not aware of the specific measurements of the drain as stated by the Applicant and denies the same for want of knowledge. The Applicant has failed to disclose the basis on which he has ascertained the measurements. However, the measurements done by the third-party vendor for flow calculations can be taken into account as the most reliable available source for proper adjudication.
- i. It is submitted that the contents of Para No. 9 are a matter of record and no specific comment is required. It is admitted that the Answering Respondent has developed Prateek Grand City, a multi-storey housing project spread across approximately 40 (forty) acres, in the Siddharth Vihar area.
- j. It is submitted that the contents of Para No. 10 are a matter of record and no specific comment is required. The Answering Respondent admits the proximity of its project boundary to the Jal Nigam boundary wall, but specifically denies any implication that such proximity is unlawful or in violation of any applicable regulation.
- k. It is submitted that the contents of Para No. 11 are wrong, false and vehemently denied. It is specifically denied that the Answering Respondent has carried out any "illegal modification" of the open drain. However, the Answering Respondent has merely laid RCC Hume pipes in the path of the drain along the side of the boundary of its site as an emergent remedial and safety measure to prevent the reoccurrence of the devastating flooding incident dated 01.05.2025, which had endangered the lives and property of over 3,000 (three thousand) resident families. The said work was carried out in the full knowledge and presence of officials of UPAVP and the local administration, and a capacity analysis report was duly submitted to and accepted by UPAVP. It is also pertinent to note here that the Answering Respondent has not encroached upon any green belt. The allegations of the Applicant are baseless, misleading, and denied in their entirety.
- l. It is submitted that the contents of Para No. 12 are wrong, false and denied. It is specifically denied that the laying of Hume pipes constitutes a violation of the Environmental Conditions for Buildings and Constructions notification dated 13.05.2018 issued by the Ministry of Environment, Forest and Climate Change, Government of India (Notification S.O. 1132(E)). The said notification requires that "the natural drain system should be maintained for ensuring unrestricted flow of water" and that "no construction shall be allowed to obstruct the natural drainage through the site." It is pertinent to note here that the laying of Hume pipes does not obstruct the natural drainage; rather, it ensures the continued and uninterrupted flow of drain water through a covered channel, thereby preventing the very kind of flooding and disruption that occurred on 01.05.2025. It is most respectfully submitted that the real obstruction to the natural drainage was caused by the illegal diversion of the drain route by the other developer (Prestige Group), which altered the straight course of the drain at an angle of more than 90 (ninety) degrees, creating an artificial bottleneck. This fact has been deliberately suppressed by the Applicant. Hence, the Hume pipes were laid along the path of the existing drain and do not alter the natural drainage pattern or route. The capacity analysis



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conducted by an independent consultant and submitted to UPAVP confirms that the pipes are of adequate capacity.

- m. It is submitted that the contents of Para No. 13 are wrong, false and vehemently denied. It is most respectfully submitted that the Applicant is trying to mislead this Hon'ble Tribunal by putting the false facts before this Hon'ble Tribunal. It is pertinent to note here that the planning and initiation of laying Hume pipes in the said stretch was conducted after the occurrence of incident dated 01.05.2025 as a precautionary measure for future safety and no work in relation to the same was carried out before 03.05.2025 and therefore keeping the Answering Respondent liable for boundary wall breakage of Jal Nigam on 02.05.2025 is completely erroneous and misleading. It is most respectfully submitted that the boundary wall collapse of Prateek Grand City and Jal Nigam was occurred due to heavy rainfall and illegal diversion of open drain by the another builder, which resultant caused artificial bottleneck near the Answering Respondent site. It is further submitted that the Applicant's claim that the Hume pipes have reduced the flow area to "less than 25% (twenty-five percent) of its original capacity" is unsubstantiated and not supported by any scientific or technical evidence. The Applicant has not produced any expert report, hydrological study, or engineering assessment to support this claim. On the contrary, the capacity analysis conducted by an independent consultant at the direction of UPAVP has confirmed that the Hume pipes are of adequate capacity. The Answering Respondent puts the Applicant to strict proof of his unverified claims regarding flow area reduction.
- n. It is submitted that the contents of Para No. 14 are wrong, false and denied. It is submitted that the Answering Respondent is compliant with the environmental laws and regulations applicable to its project site. The allegations regarding the absence of rainwater harvesting systems, renewable energy infrastructure, and green cover are vague, unsubstantiated, and irrelevant to the core issue raised in the present OA, which pertains to the drain modification. However, the Answering Respondent reserves its right to produce evidence of its environmental compliance at the appropriate stage. It is further submitted that the flooding incident of 01.05.2025 was caused not by the Answering Respondent's Hume pipes (which were laid after the incident as a remedial measure) but by the illegal diversion of the drain route by the other developer and the heavy unprecedented rainfall. Pertinently, the Applicant's attempt to attribute the flooding to the Answering Respondent's subsequent remedial work is chronologically impossible and factually absurd.
- o. It is submitted that the contents of Para No. 15 are matter of record and need no specific comments from the Answering Respondent. However, the allegations made in the said representation dated 13.05.2025 are specifically denied in toto. It is further submitted that the Answering Respondent was not a party to or aware of the said representation at the time it was made.
- p. It is submitted that the contents of Para No. 16 are matter of record and need no specific comments from the Answering Respondent. However, the allegations made in the said representation dated 14.05.2025 submitted to the Chairman, Central Pollution Control Board are specifically denied in toto. The Answering Respondent denies the allegations of environmental violations as stated in the said representation.
- q. It is submitted that the contents of Para No. 17 are wrong, false and denied for want of knowledge. It is further submitted that the Answering Respondent is not aware of the specific representations made by the Applicant to the Principal Secretary, Urban Development Department, Government of Uttar Pradesh, or on the Integrated Grievance Redressal System. The allegations contained therein are irrelevant to the core issue in the present proceedings.



- r. It is submitted that the contents of Para No. 18 are wrong, false and denied for want of knowledge. It is further submitted that the Answering Respondent is not aware of the forwarding of the Applicant's representation by the Joint Director, Ministry of Environment, Forest and Climate Change, to State Environment Impact Assessment Authority, U.P. Pertinently, the said communication is between the Applicant and the Government authorities and is irrelevant to the present issue.
- s. It is submitted that the contents of Para No. 19 are wrong, false and denied for want of knowledge and are irrelevant to the present issue.
- t. It is submitted that the contents of Para No. 20 are wrong, false and denied for want of knowledge. It is pertinent to note here that the Answering Respondent is not aware of the internal communications between CPCB and UPPCB. The said communication is between the regulatory authorities and is irrelevant to the present issue.
- u. It is submitted that the contents of Para No. 21 are wrong, false and denied for want of knowledge. It is worthwhile to mention here that the Answering Respondent is not aware of the specific contents of the letter dated 02.06.2025 issued by the Executive Engineer, UPAVP, Ghaziabad. However, the Answering Respondent submits that it has fully complied with all directions issued by UPAVP and has taken all necessary corrective and remedial measures as directed.
- v. It is submitted that the contents of Para No. 22 are wrong, false and denied. It is further submitted that the contents of this paragraph relate to the Applicant's RTI application to SEIAA and are irrelevant to the present issue. The said document is self-explanatory.
- w. It is submitted that the contents of Para No. 23 are wrong, false and denied for want of knowledge and are irrelevant to the present issue.
- x. It is submitted that the contents of Para No. 24 are matter of record and need no specific reply from the Answering Respondent. However, it is matter of record that the Uttar Pradesh Pollution Control Board imposed a penalty of Rs. 5,40,000/- (Rupees five lakh forty thousand) on the Answering Respondent and that the said penalty was duly paid by the Answering Respondent. However, it is respectfully submitted that the payment of the said penalty was made to conclude the administrative proceedings and does not constitute an admission of guilt or wrongdoing on the part of the Answering Respondent. It is pertinent to mention here that the penalty was imposed in the context of the CAQM (Commission for Air Quality Management) closure order dated 08.05.2025, which was a general construction ban order and not specific to any drain-related violation. The payment of the penalty does not validate the Applicant's claim for demolition of the Hume pipes or restoration of the drain to its original character. The penalty was an administrative measure and has been duly complied with. It is most respectfully submitted that the Applicant cannot rely on the imposition of a penalty by UPPCB as conclusive proof of environmental violation, particularly when the penalty was paid without admission of liability and the matter has been administratively closed by the concerned authority.
- y. It is submitted that the contents and prayers contained in Para No. 25 are vehemently denied and opposed. It is most respectfully submitted that the Applicant is not entitled to any of the reliefs sought. The Answering Respondent has not carried out any "illegal construction" and the Hume pipes were laid as an emergent safety measure for the protection of over 3,000 (three thousand) resident families. The grant of a stay on construction activities would be gravely prejudicial to the rights and safety of the residents and would serve no legitimate environmental purpose.



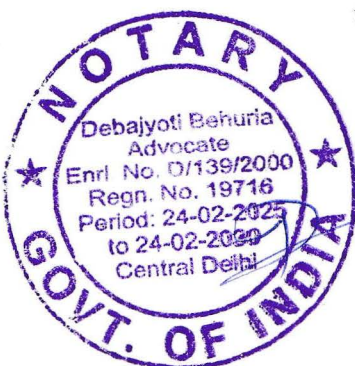
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- z. It is submitted that the contents and prayers contained in Para No. 26 are wrong, false, denied and opposed. Pertinently, the prayer for restoration of the open drain at the expense of the Answering Respondent is wholly unjust, arbitrary, and disproportionate. It is most respectfully submitted that the remedial measures undertaken by the Answering Respondent were necessary for the safety and welfare of the residents and were carried out with the knowledge and acquiescence of UPAVP and the local administration. It is worthwhile to note here that the real cause of the drain-related problems is the illegal diversion of the drain route by the other developer (Prestige Group), which fact has been established by the investigation conducted pursuant to the directions of the Divisional Commissioner, Meerut. Therefore, forceful removal of the Hume pipes would expose the over 3,000 (three thousand) resident families to the same risk of flooding and disruption that occurred on 01.05.2025, and would be contrary to the principles of sustainable development and the public interest.

### Reply to Grounds

The Answering Respondent specifically denies each and every ground raised by the Applicant in support of the present OA and replies to the same as follows:

- aa. It is submitted that the contents contained in Ground A are wrong, false, denied. It is most respectfully submitted that the Answering Respondent has not "illegally modified" the drain or created any "artificial bottleneck." The Hume pipes were laid as a remedial measure, and their adequacy has been confirmed by an independent capacity analysis accepted by UPAVP. Whereas, the real bottleneck was created by the illegal diversion of the drain by the Prestige Group, which fact has been suppressed by the Applicant in the present OA.
- bb. It is most respectfully submitted that the contents contained in Ground B are denied. Pertinently, the reliance placed by the Applicant on the judgment in **Hazi Ariff v. State of U.P. & Ors. (OA No. 16/2014 decided on May 13, 2022)** is misconceived. The facts of the said case are distinguishable from the present case. In the present case, the Answering Respondent has not obstructed or impeded the flow of the drain; rather, it has facilitated the continued flow of water through covered Hume pipes as a safety measure for the residents.
- cc. It is submitted that the contents contained in Ground C are wrong, false, denied. It is specifically denied that the laying of Hume pipes constitutes a "grave violation" requiring approval from SEIAA. The said work was a limited remedial measure along the boundary of the site and was undertaken with the knowledge and acquiescence of UPAVP and administrative officers.
- dd. It is submitted that the contents contained in Ground D are wrong, false, denied. It is specifically denied that the drain has been "forcibly encased within concrete pipes" over a stretch exceeding 250 (two hundred fifty) metres. The Hume pipes have been laid in the path of the drain limited to the extent of along the side of the boundary of the Answering Respondent's site only. It is further submitted that the Applicant has grossly exaggerated the extent of the work.
- ee. It is submitted that the contents contained in Ground E are wrong, false, denied. It is submitted that the Answering Respondent has not encroached upon any green belt. The Applicant has failed to produce any survey report, demarcation plan, or official document to establish that the Answering Respondent has encroached upon the green belt.
- ff. It is submitted that the contents contained in Ground F are wrong, false, denied. It is pertinent to note here that the doctrine of Public Trust is not applicable to the present facts. The drain in question is a Kachha Nala (unlined drain)



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maintained by the municipal authorities, and the Answering Respondent has not caused any harm to any natural resource or ecological stability.

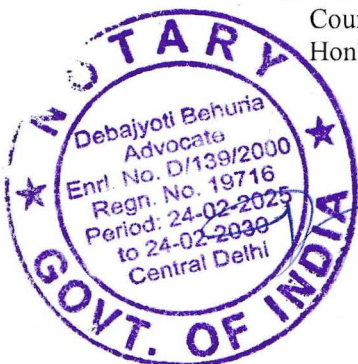
- gg. It is submitted that the contents contained in Ground G are wrong, false, denied. Pertinently, the concerned authorities have not been "mute spectators." On the contrary, UPAVP issued directions to the Answering Respondent regarding capacity analysis, which were duly complied with. UPPCB imposed a penalty, which was duly paid. The District Magistrate constituted an investigation committee. The Applicant's characterization of the authorities' response is misleading.
- hh. It is submitted that the contents contained in Ground H are wrong, false, denied. The drain is not a "natural drain" in the ecological sense but is a Kachha Nala carrying stormwater, sewage, and effluent from the Vijay Nagar Municipal Zone. Therefore, the Answering Respondent's remedial measures do not constitute an infringement of the fundamental right to a clean and healthy environment under Article 21 of the Constitution of India.
- ii. It is submitted that the contents contained in Ground I are wrong, false, denied. It is further submitted that the Answering Respondent has not violated any environmental conditions. The laying of Hume pipes was an emergent safety measure and does not constitute "construction" or "alteration affecting natural drainage systems" within the meaning of the MoEFCC Notification dated 13.05.2018.
- jj. It is submitted that the contents contained in Para No. 27 are wrong, false, denied. It is further submitted that the Applicant has not exhausted all alternative remedies. The Applicant's own case reveals that the administrative authorities have taken action (imposition of penalty, directions to the Answering Respondent), and the matter is being investigated by the committee constituted by the District Magistrate. Pertinently, the Applicant has approached this Hon'ble Tribunal prematurely and without allowing the administrative process to reach its conclusion.
- kk. It is submitted that the contents contained in Para No. 28 are wrong, false, denied. It is further submitted that the cause of action, if any, is not continuous in nature. The Answering Respondent completed the pipe-laying work and is no longer carrying out any modification to the drain. The OA has been filed with inordinate delay and is barred by limitation.
9. That the Hon'ble Supreme Court of India in **Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647**, laid down the principle of "Sustainable Development" as a balancing concept between ecology and development. The Hon'ble Court held that the precautionary principle and the polluter pays principle are part of the environmental law of the country. However, the Hon'ble Court also recognized that development and ecology must go hand in hand and that a balance must be struck between the two.
10. Pertinently, In the present case, the Answering Respondent's remedial measure of laying Hume pipes was undertaken to protect the lives and safety of over 3,000 (three thousand) resident families while ensuring the continued flow of the drain water. This represents a balanced approach that serves both the interests of the residents and the environment. The demolition of the Hume pipes, as sought by the Applicant, would expose thousands of families to the risk of flooding and would be contrary to the principle of sustainable development.
11. That the Hon'ble Supreme Court of India in **M.C. Mehta v. Union of India, (2004) 12 SCC 118**, has held that while environmental protection is of paramount importance, the same must be balanced against the developmental needs and the welfare of the people. The Court observed that environmental considerations cannot be used to completely halt development, particularly where the development serves a public purpose and the environmental impact can be mitigated.



12. That the Hon'ble Supreme Court of India in **Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664**, dealt extensively with the precautionary principle and the balance between development and environment. The Hon'ble Court held that the burden of proof lies on the party alleging environmental damage to demonstrate that the activity in question has caused or is likely to cause significant environmental harm.
13. Whereas in the present case, the Applicant has failed to discharge the burden of proof. The Applicant has not produced any scientific or technical evidence, expert report, hydrological study, or environmental impact assessment to demonstrate that the laying of Hume pipes has caused or is likely to cause any environmental damage. The Applicant's claims are based entirely on unverified assertions, unsubstantiated measurements, and speculative apprehensions.
14. That the Hon'ble Supreme Court of India in **T.N. Godavarman Thirumulpad v. Union of India, (2002) 10 SCC 606**, has held that environmental protection must be based on scientific evidence and not on mere apprehensions or speculative claims. The Court emphasized the need for a fact-based and evidence-based approach to environmental adjudication.
15. That the Hon'ble National Green Tribunal in **Manoj Misra v. Union of India, OA No. 6/2012 (Principal Bench)**, has held that while the Tribunal has a duty to protect the environment, it must also ensure that its orders are based on a proper appreciation of the facts and evidence, and that the rights of all parties are duly considered.
16. That the Hon'ble Supreme Court of India in **S.P. Chengalvaraya Naidu v. Jagannath, (1994) 1 SCC 1**, has held that a litigant who suppresses material facts and approaches the court with unclean hands is not entitled to any relief. The Applicant in the present case has suppressed the critical fact of the illegal diversion of the drain by the Prestige Group and is therefore not entitled to any relief from this Hon'ble Tribunal.
17. That the Hon'ble Supreme Court of India in **Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 SCC 212**, while upholding the polluter pays principle, also recognized that the principle must be applied to the actual polluter and not to a party who has taken remedial measures to address the environmental damage caused by others. In the present case, the Answering Respondent is not the polluter; rather, it is the victim of the illegal diversion of the drain by the third-party developer.

#### PRAYER

18. In view of the facts and circumstances stated hereinabove, and the legal submissions and judicial precedents relied upon, the Answering Respondent most respectfully prays that this Hon'ble Tribunal may graciously be pleased to:
  - a. Dismiss the Original Application No. 633 of 2025 filed by the Applicant with exemplary costs imposed upon the Applicant for filing a frivolous, vexatious, and misleading application before this Hon'ble Tribunal;
  - b. Vacate any interim stay or restraint order, passed against the Answering Respondent in the present proceedings;
  - c. Direct the concerned authorities to investigate and take appropriate action against the other developer (Prestige Group) for the illegal diversion of the drain route, which is the root cause of the drain-related problems in the Siddharth Vihar area;
  - d. Direct the Applicant to pay costs of the present proceedings to the Answering Respondent, including legal fees and expenses incurred in defending the present baseless application;
  - e. Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.
19. The Answering Respondent craves leave to add, alter, amend, or supplement this Counter Affidavit at any stage of the proceedings with the kind permission of this Hon'ble Tribunal.



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*[Signature]*  
DEPONENT

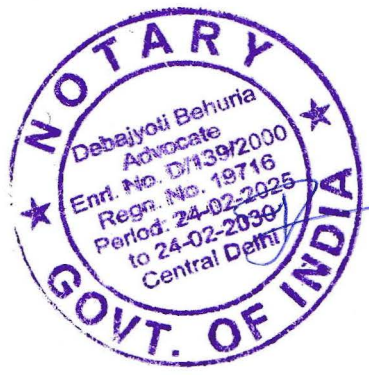
VERIFICATION

I, **Sunil Kumar Mittal**, do hereby state and solemn affirm that what is stated the foregoing Para's of the above Counter Affidavit are true and correct to my knowledge and belief, based on the records of the company M/s Prateek Realtors India Private Limited. No part of it is false and nothing material has been concealed therefrom.

Verified at \_\_\_\_\_ on this **09 MAY 2026** day of \_\_\_\_\_, 2026.

*[Signature]*  
DEPONENT

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



NOTIFIED THAT THE DEPONENT  
Shri/Smt./Km. *Sunil Kumar Mittal*  
No. W/o, D/o. *Ushish Prateek*  
Identified by Shri/Smt. *Pawan Kishore*  
as Solemnly aff... before me  
by Delhi on... (24)  
that the Contents of the Affidavit which  
I have read & explained to him are true and  
correct to this knowledge  
*[Signature]*  
Notary Public

**09 MAY 2026**

06 May, 2025

To,

The Divisional Commissioner,  
Meerut Division,  
Commissioner Office, Civil Lines,  
Meerut Cantt. Meerut-250001, Uttar Pradesh  
E-mail: commmee@nic.in

**Sub.: Demand for investigation against other developer in the vicinity who illegally blocked the original path of a Kaccha Naala and diverted it to a new path due to which flooding incident in the basement of our Group Housing 'Grand Carnesia' and 'Grand Paeonia' at Prateek Grand City in Siddharth Vihar, Ghaziabad occurred on 02.05.2025 due to rupture in the Naala near our site**

Respected Sir,

We, Prateek Realtors India Pvt. Ltd., are the lawful developer of the group housings 'Grand Carnesia' & 'Grand Paeonia' at Prateek Grand City in Siddharth Vihar, Ghaziabad. Approximately 7500 residential units have been proposed to be constructed on our said site. A substantial part of the project, comprising approximately of 4500 units, has already been completed and handed over to their respective allottees/home buyers whose families are living in there. We are constrained to bring to your urgent attention to a serious and unfortunate incident of severe water logging that occurred at our site seemingly due to the irresponsible and unauthorized diversion of a Kachha Nala, that passes along the frontage of our site.

This Kachha Naala is coming from Vijay Nagar and going through the Ganga Jal Pariyojna at Siddharth Vihar connects and falls into the Hindon River. This Naala originally ran straight, however, subsequently it has been diverted at a point ahead of our site and the diversion has been carried approximately at 90 degrees by the developer of another land in the vicinity which has been approved for the purpose of group housing development by the Ghaziabad Development Authority. The developer has diverted the Naala from its site to a new path and it is imperative to submit that to our knowledge this diversion in the path of Naala has been carried by the said developer without any permission/NOC/approval of the competent authorities concerned in this vital respect. Due to this arbitrary deviation in the natural course of the Naala, the natural flow of water was

obstructed/reduced, and excessive water pressure accumulated in the rear section of the Naala. Eventually, the pressure reached to a critical level, and the Naala collapsed near our said site and its water directly entered and flooded our site on 02.05.2025, causing immense damage and disruption to our property and long run disturbance and discomfort to the families living therein. A screen shot taken from the Apple Map showing the position of Naala after the said diversion is attached herewith for ready reference and better understanding of the scene is attached herewith as **Annexure-1**.

This artificial obstruction and redirection in the path of the Naala is not only technically unviable but also environmentally hazardous and violative of all norms of planned development. The direct responsibility for this incident lies either with the individual who carried out this diversion, and/or by extension, with the concerned government departments whose inaction or negligence enabled this to happen unchecked.

As a responsible developer and in view of ensuring safety and comfort of thousands of families living in the society developed by us, we have already initiated conversion of this Kachha Naala into Pakka by laying RCC Hume Pipes for it along the frontage of our site so that such an incident does not recur in future. Worth stating that this conversion being carried by us is done strictly under the supervision and guidance of the competent development authority. It is imperative to submit that such conversion of Naala into Pakka is not our responsibility, however, we are compelled to do it in the circumstances stated above and we are incurring the cost of approximately 2 (two) Crore on it. Such development must be carried by the authority concerned, however, since our society has been occupied by the families therefore, it would not be prudent to wait for such development to take place from the end of the concerned department. It is also necessary to submit that the said unfortunate event that took place on 02.05.2025 caused immense discomfort and disturbance to the families living in the society in as much as all the services in our high-rise group housing viz. lifts, water and electricity supply, vehicle movement etc. remained disrupted/disturbed for a long time and we had to face the wrath of the innocent residents. It has also caused a severe blow and dent in our image in the market. As submitted above that presently the conversion of Naala into Pakka along our site is being done by us on our own cost, however, we keep all our rights reserved to recover this cost as well as the losses that we suffered due to water logging due to collapse of Naala and the compensation for the loss of our image from all the parties concerned/responsible jointly and/or severely.

However, this alone is not sufficient to safeguard the interest of lawful developers like ourselves and to prevent such violations. We therefore respectfully urge that an investigation into the act of diverting the path of the above said Naala as stated above, whether it has been carried by obtaining necessary permissions/NOCs/approvals from the authorities/bodies concerned be initiated by constituting a high level committee at the earliest.

We trust that this grave matter will be taken seriously in the interest of lawful development, public safety, and environmental protection.

Thanking you,

Yours sincerely,

**For Prateek Realtors India Pvt. Ltd.**

**Col. Raj Shekher Sharma (Retd.)**

**Vice President (Admin.)**

**Authorised Signatory**

**Mo. No.: 8257068455**

**E-mail: col.rajshekher@prateekgroup.com**

**Enclosure(s): As above**

प्रेषक,

आयुक्त,  
मेरठ मण्डल,  
मेरठ।

सेवा में,

जिलाधिकारी,  
गाजियाबाद।

संख्या: 568 / पी०ए०-2025

दिनांक: 3 मई, 2025

महोदय,

कर्मल, राज शेखर शर्मा (रिटा०), वाईस प्रेसिडेंट प्रतीक रियलटर्स इण्डिया प्रा०लि०, नोएडा का संलग्न शिकायती पत्र दिनांक 06-05-2025 प्राप्त हुआ है, जिसमें मुख्यतः अवगत कराया गया है कि जनपद गाजियाबाद स्थित विजय नगर से कच्चा नाला निकल रहा है जो सिद्धार्थ विहार में गंगाजल परियोजना से होकर हिण्डन नदी से जोड़ते हुये प्रश्नगत नाला सीधा बहने के कारण प्रतीक ग्रैंड सिटी में ग्रुप हाउसिंग ग्रैंड कार्नेसिया और ग्रैंड पेओनिया स्थल से नाला मोड दिये जाने एवं नाले को अवरूद्ध करने के सम्बन्ध में प्रकरण में उच्च स्तरीय जांच समिति गठित करते हुये, जांच कराये जाने का अनुरोध किया गया है।

प्रश्नगत प्रकरण गम्भीर प्रकृति का होने के कारण निम्न बिन्दुओं पर आख्या उपलब्ध कराया जाना आवश्यक है:-

1. प्रश्नगत ड्रेन का बहाव व दिशा राजस्व/सिंचाई अभिलेखों के अनुसार क्या है ?
2. नाले की चौड़ाई अभिलेखों अनुसार क्या है ? इस पर अभिलेखों अनुसार स्वामित्व किसका है ?
3. क्या नाले को उसकी पूर्व दिशा से मोडा/अवरूद्ध किया गया है ? यदि हों तो किसके द्वारा किया गया, इस कार्यवाही का लाभार्थी कौन है ?
4. आवास एवं विकास परिषद की भूमि एवं निजी विकासकर्ता की भूमि आपस में जुडी है?
5. आवास एवं विकास परिषद द्वारा नाले के बहाव के बदलाव पर सहमति क्यों दी गयी ?
6. किये गये बदलाव प्रथम दृष्टिया तकनीकी रूप से अनुचित प्रतीत होते हैं, इस विषय में त्वरित स्थिति स्पष्ट की जायें।
7. राजस्व विभाग द्वारा विकास प्राधिकरण को नाले के विषय में अनापत्ति क्यों दी गयी ?
8. प्राधिकरण द्वारा नाले की स्थिति का परीक्षण किये बगैर नक्शा निर्गत क्यों किया गया?
9. पूर्व में शिकायतकर्ता के योजना में ऐसी घटना हुई है ? शिकायतकर्ता द्वारा अपनी योजना में नाले से सुरक्षा हेतु क्या प्राविधान/कार्य किये गये हैं ?
10. कोई अन्य बिन्दु हो तो जांच की जाये।

अतः उपरोक्त बिन्दुओं के सम्बन्ध में स्पष्ट आख्या तत्काल अधोहस्ताक्षरी को उपलब्ध कराना सुनिश्चित करने का कष्ट करें।

संलग्नक : यथोक्त।

भवदीय,  
BMA SHOD 13/5  
(हृषिकेश भास्कर यशोद)  
आयुक्त,  
मेरठ मण्डल, मेरठ।

संख्या व दिनांक उपरोक्त।

प्रतिलिपि:- अपर आयुक्त (द्वितीय), मेरठ मण्डल, मेरठ को अनुश्रवण हेतु प्रेषित।

(हृषिकेश भास्कर यशोद)  
आयुक्त,  
मेरठ मण्डल, मेरठ।

कार्यालय जिलाधिकारी गाजियाबाद।

पत्रांक:- 546 / एस0टी0-ए0डी0एम0(सिटी) / 2025

दिनांक: 17 मई, 2025

19

- 1- बिल्डर्स / ए0ओ0 / अध्यक्ष, मैसर्स एस0जी0एस0 बिल्डर्स,  
सिद्धार्थ बिहार गाजियाबाद।
- 2- बिल्डर्स / ए0ओ0 / अध्यक्ष  
मैसर्स प्रतीक रियलटर्स इन्डिया प्रा0लि0 / प्रतीक ग्रैंड सोसायटी  
सिद्धार्थ बिहार गाजियाबाद।  
(द्वारा अधि0अभि0, आवास विकास परिषद)

विषय:- प्रतीक ग्रैंड सोसायटी में दिनांक 01.05.2025 को बेसमेन्ट में पानी भरने से हुई समस्या / घटना की जांच के सम्बन्ध में

उत्तर प्रदेश आवास एवं विकास परिषद की सिद्धार्थ बिहार योजना, गाजियाबाद के सेक्टर-4 में स्थित मैसर्स प्रतीक रियलटर्स इन्डिया प्रा0लि0 द्वारा निर्माण की गयी प्रतीक ग्रैंड सोसायटी में दिनांक 01.05.2025 को बेसमेन्ट में पानी भरने से हुई समस्या / घटना की जांच किये जाने हेतु जिलाधिकारी महोदय द्वारा दिनांक 13 मई, 2025 को पत्र निर्गत करते हुए एक जांच कमेटी अधोहस्ताक्षरी की अध्यक्षता में गठित करते हुए सम्बन्धित प्रकरण की जांच कर जांच आख्या उपलब्ध कराये जाने के निर्देश निर्गत किये गये हैं।

उक्त के सम्बन्ध में पत्र इस आशय के साथ प्रेषित है कि यदि आप उक्त शिकायत के सम्बन्ध में अपना कोई पक्ष / लिखित कथन / साक्ष्य प्रस्तुत करना चाहते हैं तो दिनांक 19.05.2025 को समय 12-30 बजे अधोहस्ताक्षरी कार्यालय कमरा नं0-133 कलेक्ट्रेट कम्पाउंड में उपस्थित होकर प्रस्तुत कर सकते हैं।

अपर जिलाधिकारी(नगर),  
गाजियाबाद।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

- 1- अधिशासी अभियन्ता, गंगाजल / लोक निर्माण विभाग खण्ड-2 गाजियाबाद / सदस्य जांच कमेटी को इस आशय के साथ कि उक्त दिनांक एवं समय पर उपस्थित होना सुनिश्चित करे।
- 2- अधिशासी अभियन्ता, आवास विकास परिषद गाजियाबाद को पत्र की तीन प्रति इस आशय के साथ कि उक्त को अपने स्तर से सूचित कराते हुए अवगत कराया जाना सुनिश्चित करे।

अपर जिलाधिकारी(नगर)  
गाजियाबाद।

सिद्धार्थ विहार, गाज़ियाबाद में प्रतीक ग्राण्ड सिटी आवासीय परिसर व गंगा जल परियोजना के सामने से गुजरते व आगे जाकर हिण्डन नदी में गिर रहे नाले की दिशा बदले जाने की जांच हेतु श्रीमान जिलाधिकारी, गाज़ियाबाद द्वारा गठित समिति के समक्ष

सन्दर्भ: पत्रांक 546/एस०टी०-ए०डी०एम०(सिटी)/2025 दिनांकित: 17 मई, 2025

उक्त सन्दर्भित पत्र के माध्यम से उपरोक्त मामले से जुड़े सभी सम्बंधित पक्षकारों को अपना पक्ष रखने हेतु आमंत्रित किया गया है। हमारे, अर्थात प्रतीक रियल्टर्स इण्डिया प्रा० लि०, कार्यालय: ए-42, सेक्टर-67, नोएडा, द्वारा सिद्धार्थ विहार गाज़ियाबाद में विकसित प्रतीक ग्राण्ड सिटी में आवासीय परिसरों का निर्माण किया गया है व परियोजना के अगले चरण का निर्माण कार्य किया जा रहा है। गत दिनांक 02-05-2025 को हमारे आवासीय परिसरों के पास प्रश्रगत नाले के टूटने के कारण हमारे आवासीय परिसरों में गंदे पानी के भराव की अप्रिय घटना घटित हुई, तत्पश्चात नाले के इस प्रकार टूटने के मूल कारण को खोजने की चेष्टा से जानकारी एकत्रित करते हुए, कुछ अहम् तथ्य हमारी जानकारी में आये जिन्हे हम इस समिति द्वारा मामले की निष्पक्ष जांच हेतु रखना चाहते है, जो कि इस प्रकार हैं:

1. गाज़ियाबाद शहर का यह नाला विजय नगर, प्रताप विहार से होते हुए सिद्धार्थ विहार में हमारी आवासीय परियोजना प्रतीक ग्राण्ड सिटी तथा आगे गंगा जल परियोजना के समीप से बहते हुए अंततः हिण्डन नदी में गिरता है। यह नाला मूल रूप से सीधा बहता था, परन्तु, कुछ समय पूर्व हमारी साइट से आगे एक बिंदु पर, एक अन्य भूमि, जिसे गाज़ियाबाद विकास प्राधिकरण द्वारा ग्रुप हाउसिंग विकास हेतु अनुमोदित किया गया है - जिसमें से होता हुआ यह नाला सीधा हिण्डन नदी में गिरता था, के डेवलपर द्वारा उसकी जमीन के प्रवेश बिंदु पर नाले के मार्ग को 90 डिग्री से भी अधिक पर मोड़कर व अन्य कई मोड़ देते हुए सड़क किनारे ग्रीन बेल्ट की जमीन से निकालकर नाले के मूल मार्ग को अवैधानिक रूप से परिवर्तित कर दिया गया।

उत्तर प्रदेश आवास एवं विकास परिषद की वेब-साइट पर उपलब्ध सिद्धार्थ विहार परियोजना के मास्टर प्लान, जिसमें प्रश्रगत नाला दर्शित है जो कि बिना किसी मोड़ के सीधे हिण्डन नदी की ओर जा रहा है व एप्पल मैप से उसी क्षेत्र के लिए गए स्क्रीन शॉट जिसमें नाले के मार्ग में दिए गए कथित अनधिकृत मोड़ व नाले की वर्तमान स्थिति दर्शित है की प्रतियां मामले के तुलनात्मक अध्ययन हेतु इस पत्र के साथ क्रमशः **Annexure-1** व **Annexure-2** के रूप में संलग्न हैं।

Rij Shukla

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2. प्रासंगिक है कि किसी नाले के मूल मार्ग में इस प्रकार परिवर्तन करने हेतु एक पद्धति/प्रक्रिया के अनुसार सभी औपचारिकताओं को नियमित रूप से पूरा करने के बाद ही सम्बंधित डेवलपमेंट अथॉरिटी/म्युनिसिपल कारपोरेशन द्वारा स्वयं या उसके जिम्मेदार अधिकारियों की देख-रेख में किया जाना संभव है परन्तु इस प्रकरण में किसी नियम/पद्धति का कोई अनुपालन नहीं किया गया है। हमारी जानकारी के अनुसार प्रश्रगत नाले के मोड़े जाने हेतु सभी सम्बंधित अथॉरिटी से कई अनुमति/एनओसी/अनुमोदन इत्यादि लिया जाना अनिवार्य था जो कि नहीं प्राप्त किये गए व नाले के मार्ग को मनमाने ढंग से परिवर्तित कर दिया गया। विशेष रूप से:

- नाले के मार्ग में परिवर्तन हेतु उत्तर प्रदेश आवास एवं विकास परिषद ("आवास विकास परिषद") या/और गाज़ियाबाद नगर निगम या/और गाज़ियाबाद विकास प्राधिकरण ("जीडीए") या/और सिंचाई/जल संसाधन विभाग जैसे सक्षम प्राधिकारियों से कोई पूर्व अनुमति या अनुमोदन प्राप्त नहीं किया गया है।
- नाले के मार्ग में प्रस्तावित परिवर्तन को किसी सार्वजनिक या प्रशासनिक प्रक्रिया के माध्यम से अधिसूचित, जांचा या स्वीकृत नहीं किया गया है।
- नाले के मार्ग में परिवर्तन हेतु प्रस्तावित रचना (डिज़ाइन) को किसी योग्य तथा विश्वसनीय संस्था, जैसे आईआईटी रूड़की, द्वारा जांचा या प्रमाणित नहीं किया गया है।
- नाले के मार्ग को मोड़ने के कार्य का निर्माण और निष्पादन सक्षम प्राधिकारी (यानी जीडीए या किसी अधिसूचित एजेंसी) द्वारा नहीं किया गया है व यथा संभव है कि इसे डेवलपर द्वारा स्वयं ही असुरक्षित तरीके से निजी तौर पर निष्पादित किया गया है।
- नाले का जो वास्तविक और आवश्यक समरेखण (Realignment) किया जाना चाहिए, वह किया ही नहीं गया है। वर्तमान में नाले को अनाधिकृत रूप से मोड़कर एक ऐसे मार्ग पर ले जाया गया है जो न तो इंजीनियरिंग दृष्टिकोण से उपयुक्त है और न ही कानूनी अनुमोदनों के अनुरूप है। इससे न केवल जल निकासी व्यवस्था प्रभावित होगी अपितु आसपास के क्षेत्र में जलभराव व अन्य पर्यावरणीय समस्याएं उत्पन्न हो सकती हैं। जब तक नाले का समुचित और अनुमोदित रूट के अनुसार पुनः समरेखण नहीं किया जाता, तब तक न तो स्थायी समाधान संभव है और न ही भविष्य की कोई योजना प्रभावी ढंग से लागू की जा सकती है।

Raj Shekhar

क्योंकि नालों इत्यादि को प्राकृतिक जल प्रणालियों या सार्वजनिक बुनियादी ढांचे का हिस्सा माना जाता है, इसीलिए आम जानकारी के अनुसार किसी नाले इत्यादि के प्राकृतिक मार्ग या दिशा को बदलने में एक जटिल, बहु-चरणीय कानूनी और तकनीकी प्रक्रिया शामिल है। इस तरह के बदलावों के दूरगामी परिणाम हो सकते हैं, जिसमें बाढ़, जलभराव और कानूनी दायित्व शामिल हैं। इस सम्बन्ध में एक विस्तृत चरण-दर-चरण प्रक्रिया, जिसमें आवश्यक अनुमतियाँ/एनओसी और कौन से विभाग शामिल हैं, की आम जानकारी इस सन्निधान के साथ अधिन हेतु **Annexure -3** के रूप में संलग्न है।

3. नाले के प्राकृतिक मार्ग में इस मनमाने विचलन के कारण, पानी का प्राकृतिक प्रवाह बाधित/कम हो गया। अंततः दिनांक 02-05-2025 को नाले के पिछले भाग में दबाव एक गंभीर स्तर पर पहुंच गया, और हमारे उक्त आवासीय परिसरों के पास नाला टूट गया व इसका पानी सीधे हमारे परिसरों के बेसमेंट में घुस गया, जिससे हमारी संपत्ति को भारी नुकसान और व्यवधान हुआ और वहां रहने वाले परिवारों को लम्बे समय तक परेशानी और असुविधा हुई।
4. नाले के मार्ग के गैरकानूनी और अवैज्ञानिक संशोधन ने पूरे जल निकासी ढांचे की संरचनात्मक अखंडता से समझौता किया है, क्योंकि तूफान और अपशिष्ट जल की मात्रा और प्रवाह दबाव का उचित रूप से हिसाब नहीं रखा गया था। इससे सीधे तौर पर यह हुआ है:
  - शेष नाले की दीवारों पर अत्यधिक भार/दबाव।
  - हाइड्रोलिक दबाव और संरचनात्मक कमजोरी के कारण नाले का टूटना।
  - पानी का बैकफ्लो और ओवरफ्लो होना, विशेष रूप से पीक डिस्चार्ज अवधि के दौरान, सीधे ड्रेनेज आउटलेट और फ़ाउंडेशन गैप के माध्यम से पानी का बाहर आ जाना।
5. अनाधिकृत रूप से नाले के मार्ग को मोड़ने के अन्य गंभीर प्रभावों के अतिरिक्त, यह उल्लेख करना अत्यंत आवश्यक है कि इस परिवर्तन का भविष्य के विकास कार्यों पर भी प्रतिकूल प्रभाव पड़ेगा। परिवर्तित नाला अब एनएचएआई (NHAI) की सड़क के साथ-साथ हरित पट्टी (ग्रीन बेल्ट) में से होकर निकाला गया है, जिससे न केवल पर्यावरणीय संतुलन प्रभावित हो रहा है, बल्कि भविष्य में सड़क चौड़ीकरण की संभावना भी समाप्त हो जाती है। यदि भविष्य में सड़क को चौड़ा करने की आवश्यकता पड़ी-जो की यातायात के दबाव में लगातार हो रही बढ़ोत्तरी में संभावित है —तो उससे पहले नाले को पुनः किसी अन्य मार्ग पर स्थानांतरित करना अनिवार्य होगा। इससे न केवल अनावश्यक जटिलताएँ उत्पन्न होंगी बल्कि परियोजना में विलंब

Raj Chakma

और सार्वजनिक धन का अपव्यय भी होगा। अतः यह अनाधिकृत नाला परिवर्तन दीर्घकालिक योजना और बुनियादी ढांचे के विकास के लिए गंभीर चुनौती प्रस्तुत करता है, जिसे शीघ्रता से संबोधित किया जाना आवश्यक है।

6. नाले के टूटने की घटना से हमारे आवासीय परिसरों में रह रहे सभी निवासियों को गंभीर असुविधा और मानसिक उत्पीड़न का सामना करना पड़ा, जैसे कि:
  - बेसमेंट में पार्क किए गए वाहनों को नुकसान।
  - इलेक्ट्रिकल और मैकेनिकल सिस्टम (जैसे लिफ्ट, पम्प, ट्रांसफॉर्मर) का जलमग्न हो जाना या काम न करना।
  - विशेष रूप से वरिष्ठ नागरिकों, बच्चों और रोगियों के लिए अस्वास्थ्यकर और खतरनाक स्थितियाँ।
7. इस प्रकार मनचाहे ढंग से की कार्यवाही उत्तर प्रदेश नगरीय योजना एवं विकास अधिनियम, 1973 की धारा 14 एवं 15, सिंचाई अधिनियम, तथा पर्यावरण (संरक्षण) अधिनियम, 1986 के तहत अवैध है।
8. प्रश्रगत नाले के मार्ग में किये गए परिवर्तन में हमारे आवासीय परिसरों के निवासियों की कोई भूमिका या नियंत्रण नहीं था, न ही उनसे कभी परामर्श किया गया या उन्हें सूचित किया गया। यह बहुत ही अन्यायपूर्ण है कि एक स्वीकृत हाउसिंग सोसाइटी के वैध और कानून का पालन करने वाले निवासियों को किसी तीसरे पक्ष के अनाधिकृत कृत्यों के कारण कष्ट उठाना पड़ा, जिसने मनचाहे ढंग से कानून के प्रावधानों को ताक पर रखते हुए सभी मानदंडों का उल्लंघन किया है।

अतः सविनय निवेदन है कि:

- अ) कि मामले की निष्पक्ष जांच हो, क्या प्रश्रगत नाले के मार्ग में जो परिवर्तन किया गया वह सही पद्धति को अपनाते हुए सभी औपचारिकताओं को पूरा करते हुए ठीक ढंग से किया गया या नहीं;
- ब) यदि नाले के मार्ग में किये गए परिवर्तन अवैधानिक रूप से किये गए हैं, तो सम्बंधित पक्ष अथवा पक्षों के विरुद्ध उचित कानूनी कार्यवाही की जाये जिससे कि भविष्य में कोई इस प्रकार की कार्यवाही को इस ढंग से निष्पादित करने से पहले इसके अंजाम के बारे में गंभीरता से सोचे;
- स) नाले को वापस उसके मूल मार्ग में परिवर्तित किये जाने के आदेश पारित किये जाएँ; अथवा

Raj Shukla

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ग) यदि नाले के मार्ग में परिवर्तन आवश्यक है तो इस हेतु सही पद्धति को अपनाते हुए सही ढंग से सभी मानदंडों के अंतर्गत व नाले के मार्ग में परिवर्तन हेतु प्रस्तावित रचना (डिज़ाइन) की जांच व समरेखण (Realignment) आईआईटी रूडकी, द्वारा कराकर जिम्मेदारी के साथ निष्पादन किये जाने हेतु सम्बंधित पक्ष को आदेशित किया जाए।

पक्षकार:

मै० प्रतीक रियल्टर्स इण्डिया प्रा० लि०  
(डेवलपर प्रतीक ग्राण्ड सिटी)  
For Prateek Realtors India Pvt. Ltd.

द्वारा:

*Raj Shukla*  
Authorized Signatory

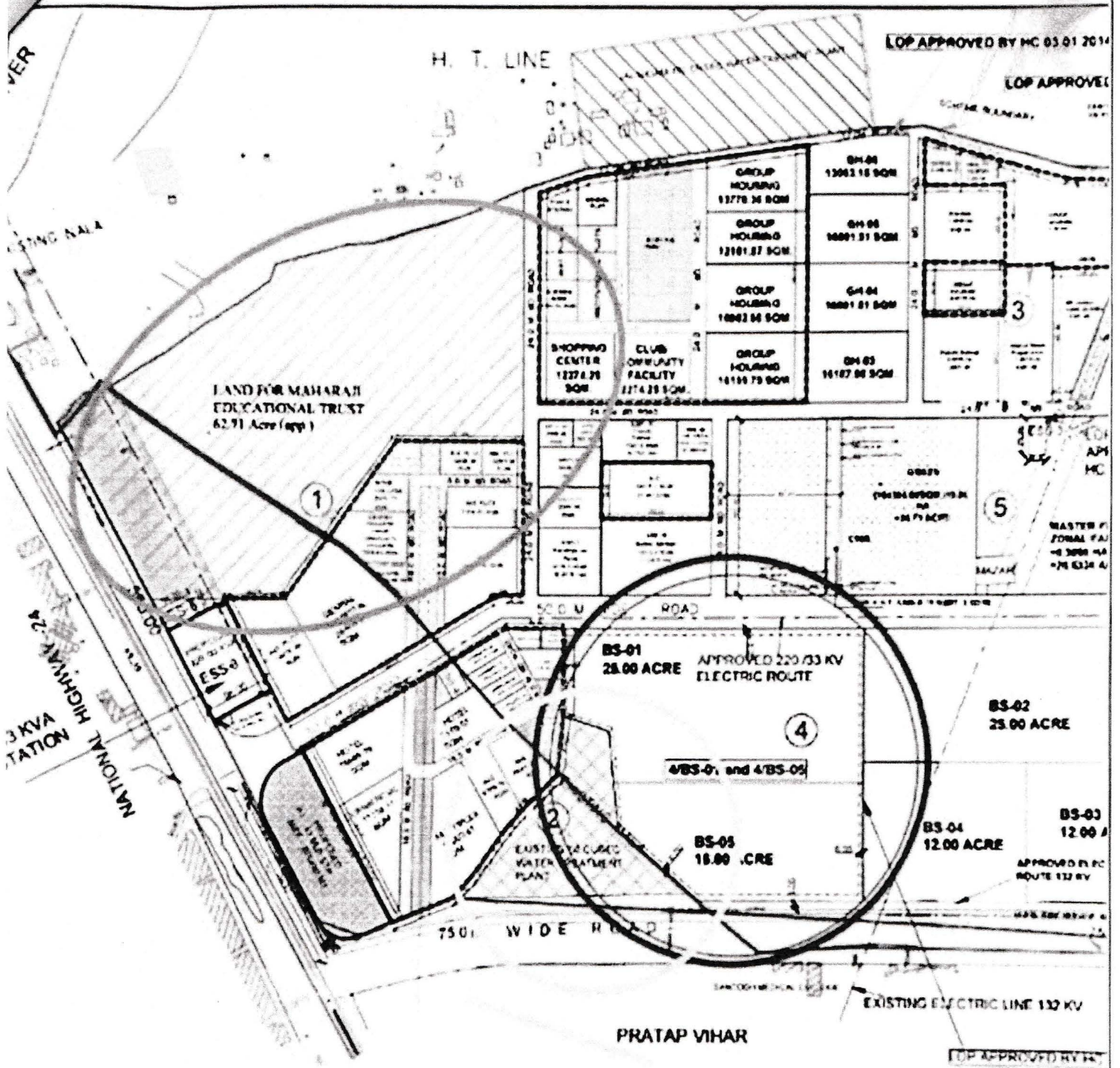
Date : 19.05.2025

कर्मल राज शेखर शर्मा (रि०)

अधिकृत हस्ताक्षरकर्ता

e-mail ID : col.rajshukla@prateekgroup.com

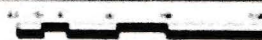
Phone No : 9711587700



AVP  
 NO. PLANNING UNIT 4  
 LEA, INDIRA BAGAR  
 PUNJAB

NOTE:

SCALE



DATE

19.10.2020

NORTH

ARCHITECTURE & PLANNING UNIT-5  
 AVAS EVAM VIKAS PARISHADLUCKNOW.



**WITH ORDINARY PRUDENCE AND COMMON KNOWLEDGE, A STEP-BY-STEP PROCESS FOR CHANGING THE NATURAL ROUTE OF A DRAIN/NAALA ETC.**

---

**STEP 1: Initial Feasibility and Planning**

**Who Initiates:**

The developer (public authority/private builder/contractor) proposing the change.

**Key Actions:**

- Conduct a survey and prepare a detailed technical drawing/map of the existing and proposed route.
  - Carry out a hydrological study to analyze flow patterns, volume, risk of backflow, flood risks, etc.
  - Prepare a Drainage Impact Assessment Report with the help of qualified engineers/consultants.
- 

**STEP 2: Ownership Identification & Jurisdiction**

**Departments Involved:**

- Urban Local Body (ULB) (Municipal Corporation/Nagar Palika)
- Irrigation Department or Minor Irrigation Department
- Ghaziabad Development Authority (GDA) / Uttar Pradesh Awasth Evam Vikas Parishad (UPAVP)
- Jal Nigam / Jal Sansthan
- Revenue Department (for land ownership)

**Key Actions:**

- Determine whether the drain is under:
  - Irrigation Department (natural/canal-based drains),
  - Development Authority (in planned areas),
  - ULB (in city limits), or
  - Panchayati Raj Department (in rural areas).

- Apply for certified map (shajra) and khasra to verify land use and classification.

---

**STEP 3: Obtain NOCs and Approvals****MANDATORY NOCs/Permissions:**

1. NOC from Irrigation Department
  - If the naala is a natural drainage channel or canal branch.
  - The Executive Engineer or Superintending Engineer is the authority.
  - A structural and environmental impact report is often required.
2. NOC from Local Development Authority (e.g., UPAVP, GDA, Municipal Corporation)
  - Must approve any change in land use or physical layout in notified/planned areas.
  - Must confirm that the change does not violate Master Plan or drainage plan.
3. NOC from Urban Local Body (Municipal Corporation or Nagar Palika Parishad)
  - Necessary if drain falls within city limits or is maintained by ULB.
  - A no-objection regarding sanitation and drainage master plan is required.
4. NOC from Revenue Department/SDM
  - If the proposed path involves land under Gram Sabha or public utility land, permission under the UP Revenue Code is needed.
5. NOC from U.P. Jal Nigam / Jal Sansthan
  - If the drain connects or interacts with sewage or drinking water infrastructure.
6. Environmental Clearance (if required)
  - If the project is part of a larger infrastructure or township project, clearance from the State Environment Impact Assessment Authority (SEIAA) may be required.

---

**STEP 4: Submission of Detailed Project Report (DPR)**

To be submitted to:

The Lead Department (Irrigation/UPAVP/GDA/Municipal Corporation, depending on jurisdiction)

Contents of DPR:

- Existing vs Proposed route plan.
- Engineering design with cross-sections.
- Drainage capacity calculations.
- Structural design of new drain (in RCC, brick, etc.).
- Risk mitigation measures.
- Cost estimate and execution timeline.

---

**STEP 5: Technical Sanction and Approval**

By:

- Chief Engineer or SE of concerned department (Irrigation/UPAVP/GDA)

Process:

- DPR is examined by a technical committee.
- Field inspection and survey may be conducted.
- Any objection from locals or other stakeholders is considered.

---

**STEP 6: Public Notice (if required)**

Published by:

Concerned Development Authority

Why:

- If the drain realignment affects public access, environment, or public land, a public notice may be issued for objection/invitation of comments.
-

**STEP 7: Execution of Work**

Only the following can execute the drain realignment work:

- Concerned government department (Irrigation/GDA/UPAVP/Municipal Corporation) through a registered contractor.
  - Alternatively, in public-private projects, execution may be permitted under supervision of the concerned authority.
  - Private developers cannot execute the work on their own, especially in government/public drains.
- 

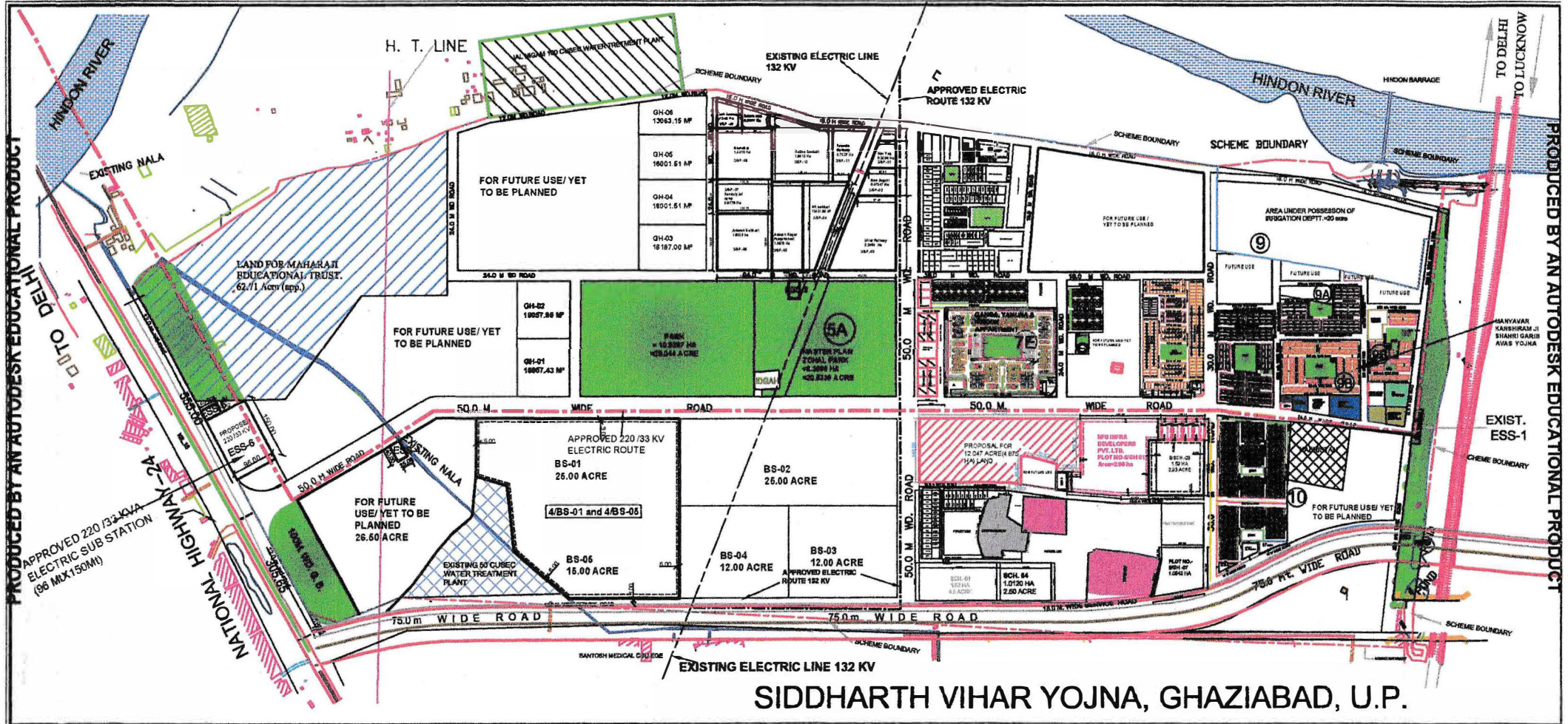
**STEP 8: Supervision and Compliance**

- On-site supervision by Engineers of GDA/Irrigation/UPAVP/Municipal Corporation during execution.
  - Regular inspection reports are maintained.
  - Completion certificate is issued after successful execution and inspection.
- 

**ILLEGAL DIVERSION OR EXECUTION: CONSEQUENCES**

- Any unauthorised change of drain route without approvals is illegal under:
  - UP Urban Planning and Development Act, 1973
  - UP Irrigation Act
  - Environment (Protection) Act, 1986
  - Indian Penal Code (public nuisance, mischief, damage to public property)
- The developer can face:
  - Demolition or restoration orders
  - Penal action and FIR
  - Cost recovery from developer for public damage

# ANNEXURE R-6/5



## SIDDHARTH VIHAR YOJNA, GHAZIABAD, U.P.



29 May, 2025

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To,

The Housing Commissioner,  
Uttar Pradesh Awas Evam Vikas Parishad,  
104, Mahatma Gandhi Marg,  
Lucknow-226001, Uttar Pradesh  
**E-mail:** commissioner@upavp.com

**Sub.: Regarding restoration of Naala Path to its original as shown in the  
Layout Plan of Siddharth Vihar Yojna, Ghaziabad of Uttar Pradesh  
Awas Evam Vikas Parishad**

Respected Sir,

We, Prateek Realtors India Pvt. Ltd., are the lawful developer of the group housings 'Grand Carnesia' & 'Grand Paeonia' at Prateek Grand City in Siddharth Vihar, Ghaziabad. Approximately 7500 residential units have been proposed to be constructed on our said site. A substantial part of the project, comprising approximately of 4500 units, has already been completed and handed over to their respective allottees/home buyers whose families are living in there. We write to bring to your urgent attention a matter of grave concern **pertaining to the illegal diversion of a natural drainage channel (Kaccha Naala) by another developer operating in the vicinity of Siddharth Vihar, Ghaziabad due to which a serious and unfortunate incident of severe water logging occurred at our site recently. We wish to bring and highlight the following key points to you kind notice:**

1. **Illegal Diversion of Naala:** The original path of the Naala has been illegally diverted by the said developer, in complete violation of environmental and planning norms. The diversion of the Naala has been carried without obtaining the necessary permissions from the concerned Governmental Authorities and without any technical analysis. This action has disrupted the natural drainage system and poses a serious threat to the ecological balance and flood safety of the area. Copy of Layout of Siddharth Vihar Pariyojna, Ghaziabad downloaded from the website of Uttar Pradesh Awas Evam Vikas Parishad ("UPAVP") wherein the original route of the Naala is shown in

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**PRATEEK REALTORS INDIA PRIVATE LIMITED**

**Corporate Office:** Prateek PRO-MENAGE, A-42, Sector - 67, Noida | Ph.: +91 120-6788300 | Email: info@prateekgroup.com

**Regd. Office:** Plot No: 101-102, Himalaya Palace, 65 Vijay Block, Laxmi Nagar, G Block Shakarpur Delhi- 110092

CIN : U70101DL2009PTC197028

Blue Colour Line and a screen shot taken from the Apple Map showing the original flow of Naala in Blue Colour Line and the unauthorised diverted route after the said diversion of Naala shown in Red Colour Line are attached herewith for ready reference and better understanding of the scene are attached herewith as **Annexure-1** & **Annexure-2** respectively.

2. **Chief Minister's Intervention:** We had earlier submitted a detailed representation to the Hon'ble Chief Minister of Uttar Pradesh regarding this illegal act. Taking cognizance of the issue, the Hon'ble Chief Minister directed the Divisional Commissioner, Meerut to take appropriate action on our representation.
3. **Divisional Commissioner's Action:** Pursuant to the Chief Minister's directive, the Divisional Commissioner, Meerut directed the District Magistrate, Ghaziabad to examine the matter thereby giving 10 specific points including the legality of the diversion, compliance with the approved drainage plan, and the impact on the surrounding environment and public infrastructure. The 10 Points given in the Letter issued by the Divisional Commissioner, Meerut are reproduced here as under:

1. प्रश्नगत ड्रेन का बहाव व दिशा राजस्व /सिंचाई अभिलेखों के अनुसार क्या है?
2. नाले की चौड़ाई अभिलेखों अनुसार क्या है? इस पर अभिलेखों के अनुसार स्वामित्व किसका है?
3. क्या नाले को उसकी पूर्व दिशा से मोड़ा/अवरुद्ध किया गया है? यदि हाँ तो किसके द्वारा किया गया, इस कार्यवाही का लाभार्थी कौन है?
4. आवास एवं विकास परिषद की भूमि एवं निजी विकासकर्ता की भूमि आपस में जुडी हैं?
5. आवास एवं विकास परिषद द्वारा नाले के बहाव के बदलाव पर सहमति कटों दी गयी?
6. किये गए बदलाव प्रथम दृष्टिया तकनीकी रूप से अनुचित प्रतीत होते हैं, इस विषय में त्वरित स्थिति स्पष्ट की जाये।
7. राजस्व विभाग द्वारा विकास प्राधिकरण को नाले के विषय में अनापत्ति क्यों दी गयी?
8. प्राधिकरण द्वारा नाले की स्थिति का परिक्षण किये बगैर नक्शा क्यों निर्गत किया गया?
9. पूर्व में शिकायतकर्ता के योजना में ऐसी घटना हुई है? शिकायतकर्ता द्वारा अपनी योजना में नाले से सुरक्षा हेतु क्या प्राविधान/कार्य किये गए हैं?
10. कोई अन्य बिंदु हो तो जांच की जाये।

A copy of the Letter dated 13.05.2025 issued by the Divisional Commissioner, Meerut issued to the District Magistrate, Ghaziabad is also enclosed herewith as **Annexure-3**.

4. **Encroachment on Green Belt & Awas Vikas Land:** The said developer has filled the Naala throughout its site/land and has diverted it through the adjoining land belonging to UPAPV of Siddharth Vihar Yojna and also encroached the Master Plan Green Belt. This not only contravenes the land use norms but also results in irreversible damage to public land earmarked for environmental preservation and recreational use.
5. **Ghaziabad Nagar Nigam's Notice to the wrongdoer – M/s S.G. Construction and Developers Pvt. Ltd. (Prestige Group):** The Nagar Nigam, Ghaziabad has also taken cognizance of the matter and issued notices/letter to the Superintending Engineer, UPAVP and to the said developer seeking a written explanation regarding the unauthorised diversion of the Naala. Copies of the Letters dated 23.05.2025 issued by the Nagar Nigam, Ghaziabad referred above are attached herewith as **Annexure-4**.
6. **Loss of Revenue due to Non-Payment of Development Charges:** It is pertinent to bring to your notice that UPAVP imposed and demanded development charges from the said developer, but the said developer got its map approved from Ghaziabad Development Authority ("GDA") under Pradhan Mantri Awas Yojna and has not paid the said development charges duly demanded by UPAVP, thereby causing significant financial loss to the state and violating the terms of land usage and development.
7. **Our Expenditure to Prevent Disasters:** In order to prevent any untoward incident due to the deteriorated state of the drainage system, we have ourselves laid RCC Hume Pipes at our own expense, incurring a cost of approximately 5-6 Crore, in front of our site to ensure water flow continuity and public safety in future
8. **Severely Deteriorated Condition of Naala:** The current condition of the Naala is **alarming** – it is choked, encroached and structurally compromised. If not rectified soon, it may lead to **serious flooding, property damage and public health hazards** during the upcoming monsoon season or any heavy rainfall event. In the vicinity, **there is 133 KV Sub Station in which the water of Naala can also filled and**

**damage the sub-station and can cause serious threats to human and other lives in the locality.**

In light of the above facts and the administrative directions already issued by higher authorities, we respectfully request your office to:

**“Ensure the restoration of the Naala to its original alignment as shown in the Layout of the Siddharth Vihar Yojna of UPAVP & already sanctioned map of the said defaulting developer be revised accordingly. And the capacity of the Naala be designed by some renowned institution like IIT Roorkee.”**

We trust that your esteemed office will treat this matter with the urgency and seriousness it demands in the interest of public welfare, ecological sustainability, and the rule of law.

Thanking you

Sincerely,

**For M/s Prateek Realtors India Pvt. Ltd.**



**Authorised Signatory**

**Enclosure(s): As above**





TOWARDS HINDON RIVER

FLOWING FROM VIWAY NAGAR

PRATEEK GRAND CITY

PATH OF SEWER LINE (NALLAH)  
[Source: Apple Maps]

**LEGEND:**

- ORIGINAL PATH OF NALLAH (Before Diversion)
- PRESENT PATH OF NALLAH (After Diversion)

प्रेषक,

आयुक्त,  
मेरठ मण्डल,  
मेरठ।

सेवा में,

जिलाधिकारी,  
गाजियाबाद।

संख्या: 568 / पी०ए०-2025

दिनांक: 13 मई, 2025

महोदय,

कर्मल, राज शेखर शर्मा (रिटा०), वाईस प्रेसिडेंट प्रतीक रियलटर्स इण्डिया प्रा०लि०, नोएडा का संलग्न शिकायती पत्र दिनांक 06-05-2025 प्राप्त हुआ है, जिसमें मुख्यतः अवगत कराया गया है कि जनपद गाजियाबाद स्थित विजय नगर से कच्चा नाला निकल रहा है जो सिद्धार्थ विहार में गंगाजल परियोजना से होकर हिण्डन नदी से जोड़ते हुये प्रश्नगत नाला सीधा बहने के कारण प्रतीक ग्रैंड सिटी में गुप हाउसिंग ग्रैंड कार्नेसिया और ग्रैंड पेओनिया स्थल से नाला मोड दिये जाने एवं नाले को अवरुद्ध करने के सम्बन्ध में प्रकरण में उच्च स्तरीय जांच समिति गठित करते हुये, जांच कराये जाने का अनुरोध किया गया है।

प्रश्नगत प्रकरण गम्भीर प्रकृति का होने के कारण निम्न बिन्दुओं पर आख्या उपलब्ध कराया जाना आवश्यक है:-

1. प्रश्नगत ड्रेन का बहाव व दिशा राजस्व/सिंचाई अभिलेखों के अनुसार क्या है ?
2. नाले की चौड़ाई अभिलेखों अनुसार क्या है ? इस पर अभिलेखों अनुसार स्वामित्व किसका है ?
3. क्या नाले को उसकी पूर्व दिशा से मोडा/अवरुद्ध किया गया है ? यदि हाँ तो किसके द्वारा किया गया, इस कार्यवाही का लाभार्थी कौन है ?
4. आवास एवं विकास परिषद की भूमि एवं निजी विकासकर्ता की भूमि आपस में जुडी है?
5. आवास एवं विकास परिषद द्वारा नाले के बहाव के बदलाव पर सहमति क्यों दी गयी ?
6. किये गये बदलाव प्रथम दृष्टिया तकनीकी रूप से अनुचित प्रतीत होते हैं, इस विषय में त्वरित स्थिति स्पष्ट की जायें।
7. राजस्व विभाग द्वारा विकास प्राधिकरण को नाले के विषय में अनापत्ति क्यों दी गयी ?
8. प्राधिकरण द्वारा नाले की स्थिति का परीक्षण किये बगैर नक्शा निर्गत क्यों किया गया?
9. पूर्व में शिकायतकर्ता के योजना में ऐसी घटना हुई है ? शिकायतकर्ता द्वारा अपनी योजना में नाले से सुरक्षा हेतु क्या प्राविधान/कार्य किये गये है ?
10. कोई अन्य बिन्दु हो तो जांच की जाये।

अतः उपरोक्त बिन्दुओं के सम्बन्ध में स्पष्ट आख्या तत्काल अधोहस्ताक्षरी को उपलब्ध कराना सुनिश्चित करने का कष्ट करें।

संलग्नक : यथोक्त।

भवदीय,  
BMA SHOD 13/5  
(हृषिकेश भास्कर यशोद)  
आयुक्त,  
मेरठ मण्डल, मेरठ।

संख्या व दिनांक उपरोक्त।

प्रतिलिपि:- अपर आयुक्त (द्वितीय), मेरठ मण्डल, मेरठ को अनुश्रवण हेतु प्रेषित।

(हृषिकेश भास्कर यशोद)  
आयुक्त,  
मेरठ मण्डल, मेरठ।



## कार्यालय: मुख्य अभियन्ता, गाजियाबाद नगर निगम।

पत्रांक: 15.0.6.../निर्माण/2025-26

ई-मेल: nirman01vibhag@gmail.com

दिनांक: 23/05/25.....

सेवा में,

अधीक्षण अभियन्ता,  
आवास विकास परिषद  
गाजियाबाद।

**विषय:- सिद्धार्थ विहार गाजियाबाद में प्रतीक ग्रैंड सिटी के सामने नाला क्षतिग्रस्त किये जाने के सम्बन्ध में।**

उपर्युक्त विषयक अपर जिलाधिकारी (नगर) गाजियाबाद के कार्यालय पत्रांक 547/एस0टी0/ए0डी0एम0(सिटी)/2025 दिनांक 17.05.2025 का सन्दर्भ ग्रहण करें, जिसके साथ संलग्न आयुक्त, मेरठ मण्डल मेरठ महोदय के कार्यालय के पत्र संख्या 568/पी0ए0/2025 दिनांक 13.05.2025 पर जिलाधिकारी महोदय के पृष्ठांकन आदेश दिनांक 13.05.2025, जिसके साथ कर्नल, राज शेखर (रिटा0) वाईस प्रेसिडेंट, प्रतीक रियलटर्स इण्डिया प्रा0लि0 नोएडा के शिकायती पत्र दिनांक 06.05.2025 को संलग्न करते हुये प्रकरण में उल्लिखित बिन्दुओं पर आख्या चॉही गयी है :-

1. प्रश्नगत ड्रेन का बहाव व दिशा राजस्व/सिंचाई अभिलेखों के अनुसार क्या है ?
2. नाले की चौड़ाई अभिलेखों अनुसार क्या है? इस पर अभिलेखों अनुसार स्वामित्व किसका है ?
3. क्या नाले को उसकी पूर्व दिशा से मोड़ा/अवरूद्ध किया गया है ? यदि हाँ तो किसके द्वारा किया गया, इस कार्यवाही का लाभार्थी कौन है ?
4. आवास एवं विकास परिषद की भूमि एव निजी विकासकर्ता की भूमि आपस में जुडी है ?
5. आवास एवं विकास परिषद द्वारा नाले के बहाव के बदलाव पर सहमति क्यों दी गयी ?
6. किये गये बदलाव प्रथम दृष्टिया तकनीकी रूप से अनुचित प्रतीत होता है, इस विषय में त्वरित स्थिति स्पष्ट की जाये।
7. राजस्व विभाग द्वारा विकास प्राधिकरण को नाले कि विषय में अनापत्ति क्यों दी गयी ?
8. प्राधिकरण द्वारा नाले की स्थिति का परीक्षण किये बगैर नक्शा निर्गत क्यों किया गया ?
9. पूर्व में शिकायतकर्ता के योजना में ऐसी घटना हुई है? शिकायतकर्ता द्वारा अपनी योजना में नाले से सुरक्षा हेतु क्या प्राविधान/कार्य किये गये है ?
- 10 कोई अन्य बिन्दु हो तो जांच की जाये।

अतः उपरोक्तानुसार अनुरोध है कि प्रकरण की महत्ता के दृष्टिगत उक्त बिन्दु की जाँच करते हुये करते हुये लौटती डाक से आख्या मय अभिलेख अद्योहस्ताक्षरी को उपलब्ध कराने का कष्ट करें, जिससे की जाँच आख्या जिलाधिकारी महोदय के समक्ष ससमय प्रेषित की जा सकें।

*HCL*

मुख्य अभियन्ता

गाजियाबाद नगर निगम

प्रतिलिपि :-

1. नगर आयुक्त महोदय को सादर सूचनार्थ प्रेषित।
2. अपर जिलाधिकारी (नगर) गाजियाबाद को उनके कार्यालय पत्रांक 547/एस0टी0/ए0डी0एम0(सिटी)/2025 दिनांक 17.05.2025 के क्रम में सूचनार्थ प्रेषित।

*HCL*

मुख्य अभियन्ता

गाजियाबाद नगर निगम

02



## कार्यालय: मुख्य अभियन्ता, गाजियाबाद नगर निगम।

पत्रांक: 1508/निर्माण/2025-26

ई-मेल: nirman01vibhag@gmail.com

दिनांक: 23/05/25

**मैसर्स एस0जी0 कन्स0 एण्ड डवलपर्स प्रा0लि0**

सिन्धुार्थ विहार गाजियाबाद।

**विषय:- सिन्धुार्थ विहार गाजियाबाद में प्रतीक ग्रैंड सिटी के सामने नाला क्षतिग्रस्त किये जाने के सम्बन्ध में।**

उपर्युक्त विषयक अपर जिलाधिकारी (नगर) गाजियाबाद के कार्यालय पत्रांक 547/एस0टी0/ए0डी0एम0(सिटी)/2025 दिनांक 17.05.2025 का सन्दर्भ ग्रहण करें, जिसके साथ संलग्न आयुक्त, मेरठ मण्डल मेरठ महोदय के कार्यालय के पत्र संख्या 568/पी0ए0/2025 दिनांक 13.05.2025 पर जिलाधिकारी महोदय के पृष्ठांकन आदेश दिनांक 13.05.2025, जिसके साथ कर्नल, राज शेखर (रिटार्ड) वाईस प्रेसिडेंट, प्रतीक रियलटर्स इण्डिया प्रा0लि0 नोएडा के शिकायती पत्र दिनांक 06.05.2025 को संलग्न करते हुये प्रकरण में उल्लिखित बिन्दुओं पर आख्या चॉही गयी है। उक्त के क्रम में आपको निर्देशित किया जाता है कि आप निम्नवत् बिन्दुओं पर अपना पक्ष/आख्या लौटती डाक से गाजियाबाद नगर निगम को उपलब्ध कराना सुनिश्चित करें :-

1. नाले के प्रवाह को मोड़ने की अनुमति आपको किस शासकीय/प्राधिकृत संस्था से प्राप्त हुई, अनुमति की प्रमाणित प्रति उपलब्ध करायें।
2. नाले कि रि-डिजाईन, डायरेक्शन को बदलने हेतु तैयार किये गये डिजाईन की किसी मान्यता प्राप्त संस्था, जैसे आईआईटी रुडकी अथवा समकक्ष निकाय द्वारा वेटिंग की गयी है अथवा नहीं, वेटिंग सम्बन्धी रिपोर्ट उपलब्ध करायें।
3. नाले की रि-अलाईमेंट का कार्य किसी प्रक्रिया के तहत की गयी है।
4. नाले को मोड़ने का कार्य किस संस्था/निजी एजेंन्सी द्वारा किया गया है, या निजी स्तर पर किया गया है, इस सम्बन्ध में अभिलेख उपलब्ध करायें।
5. उक्त नाले का ग्रीन बैल्ट से होकर निकाला गया है, जो कि ग्रीन बैल्ट पर अतिक्रमण की श्रेणी में आता है, इस सम्बन्ध में आपना पक्ष प्रस्तुत करें।

अतः उपरोक्तानुसार आपको निर्देशित किया जाता है कि पत्र प्राप्ति कि 03 दिवस में अपना पक्ष लिखित रूप में मय अभिलेखों सहित अद्योहस्ताक्षरी के समक्ष प्रस्तुत करना सुनिश्चित करें।

संलग्नक:- उपरोक्तानुसार।

*HCCan*

मुख्य अभियन्ता

गाजियाबाद नगर निगम

प्रतिलिपि :- 1. नगर आयुक्त महोदय को सादर सूचनार्थ प्रेषित।

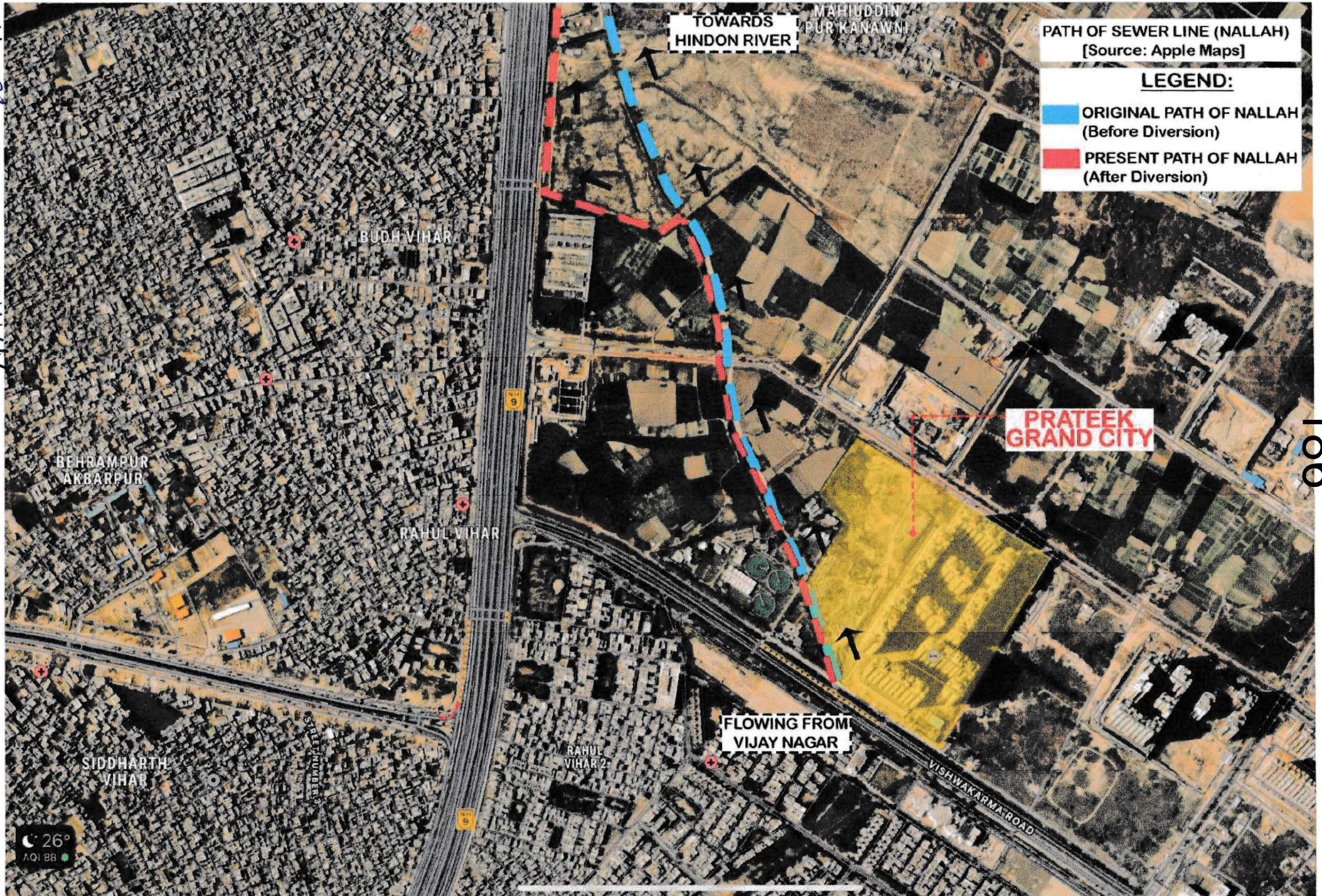
2. अपर जिलाधिकारी (नगर) गाजियाबाद को उनके कार्यालय पत्रांक 547/एस0टी0/ए0डी0एम0(सिटी)/2025 दिनांक 17.05.2025 के क्रम में सूचनार्थ प्रेषित।

*HCCan*

23/5/25

मुख्य अभियन्ता

गाजियाबाद नगर निगम



ANNEXURE R6/7

42

IS 15700:2018



## उत्तर प्रदेश आवास एवं विकास परिषद

कार्यालय अधिशासी अभियन्ता निर्माण खण्ड गाजियाबाद-02

सेक्टर-16ए, वसुन्धरा काम्पलेक्स, गाजियाबाद-201012

E-Mail id : cd16gzb@upavp.com



पत्रांक : 2254 / 1  
सेवा में,

11-22 / 1583 / 1

दिनांक 30/08/2025

मैसर्स प्रतीक रियलटर्स इण्डिया प्रा0लि0,

भूखण्ड सं0-04/ बी0एस0-01

एवं भूखण्ड सं0-04/बी0एस0-5,

सिद्धार्थ विहार, गाजियाबाद

Email - [info@prateekgroup.com](mailto:info@prateekgroup.com)

डायरेक्टर/अधिकृत हस्ताक्षरी,

मैसर्स प्रतीक रियलटर्स इण्डिया प्रा0लि0,

कॉर्पोरेट ऑफिस, "प्रतीक प्रो-मेनाग, ए-42,

सेक्टर-67, नोएडा, गौतम बुद्ध नगर, 30प्र0

विषय: सिद्धार्थ विहार में प्रतीक कार्नेशिया एवं ग्रैंड पयोनिया द्वारा क्षतिग्रस्त नाले को पुनः निर्मित करने के फलस्वरूप नाले से जलनिकासी प्रभावित होने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक, अवगत कराना है कि सिद्धार्थ विहार योजना, गाजियाबाद के सेक्टर-4 में स्थित भूखण्ड सं0-4/बी0एस0-1 एवं 4/ बी0एस0-5 पर वर्तमान में आपके द्वारा निर्माण कार्य किया जा रहा है। आपके भूखण्ड की सीमा के निकट से नगर निगम का नाला प्रवाहित हो रहा है जो दिनांक 01.05.2025 को आपके द्वारा प्रश्नगत भूखण्ड संख्या-4/ बी0एस0-1 एवं 4/ बी0एस0-5 पर कार्य करने के दौरान क्षतिग्रस्त हो गया। कार्यालय नगर आयुक्त नगर निगम गाजियाबाद के पत्रांक 348/न0अ0/2025-26 दिनांक 12.08.2025 द्वारा अवगत कराया गया है कि प्रतीक कार्नेशिया एवं ग्रैंड पयोनिया द्वारा उक्त क्षतिग्रस्त नाले के प्राकृतिक साइज में परिवर्तन करते हुये उक्त स्थल पर 1800 एम.एम. डाय का आर.सी.सी. ह्यूम पाइप डाल दिया गया है। उक्त ह्यूम पाइप का साइज उपयुक्त नहीं है जिस कारण सिद्धार्थ विहार एवं आस पास के क्षेत्रों में जल निकासी प्रभावित हो रही है तथा वर्षा ऋतु में बारिश होने पर उक्त क्षेत्र में जलभराव की स्थिति उत्पन्न हो रही है विगत वर्षों में उक्त क्षेत्र में जलभराव की समस्या कभी भी उत्पन्न नहीं हुयी थी किन्तु प्रतीक ग्रैंड प्रतीक कार्नेशिया एवं ग्रैंड पयोनिया द्वारा नाले का साइज छोटा किये जाने के कारण उक्त क्षेत्र में जलभराव हो रहा है।

उक्त के क्रम में आपको निर्देशित किया जाता है कि उक्त नाले के मार्ग में डाले गये 1800 एम.एम. व्यास के पाइप की क्षमता को, नगर निगम गाजियाबाद के पत्रांक 258 / निर्माण / 2023-24 दिनांक 09.01.2023 द्वारा अवगत कराये गए नगर निगम द्वारा निर्मित नाले के डिस्चार्ज 49.42 एम.एल.डी. को सम्मिलित करते हुये स्थल की आवश्यकतानुसार किसी प्रतिष्ठित तकनीकी संस्थान से जांच कराते हुये आख्या शीघ्र-अतिशीघ्र खण्ड कार्यालय को उपलब्ध कराने का कष्ट करें, जिससे भविष्य में किसी भी अप्रिय स्थिति से बचा जा सके।

भवदीय,

( विकास गौतम )

अधिशासी अभियन्ता

पृ0प0सं0-

/ उक्त /

दिनांक-

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. जिलाधिकारी महोदय, जनपद गाजियाबाद को सादर अवलोकनार्थ।
2. नगर आयुक्त महोदय, गाजियाबाद नगर निगम।
3. अधीक्षण अभियन्ता, गाजियाबाद वृत्त, 30प्र0 आवास एवं विकास परिषद, वसुन्धरा, गाजियाबाद।
4. सहायक अभियन्ता-प्रथम/द्वितीय सम्बन्धित अवर अभियन्ता, निर्माण खण्ड गाजियाबाद-02, 30प्र0 आवास एवं विकास परिषद, वसुन्धरा, गाजियाबाद।

अधिशासी अभियन्ता



Date: 03-09-2025

To,  
The Executive Engineer,  
Construction Block, Ghaziabad-02,  
Uttar Pradesh Awas Evam Vikas Parishad,  
Sector-16A, Vasundhara Complex, Ghaziabad – 201012

**Subject:** Submission of clarification regarding pipe diameter used for reconstruction of drain situated along Plot No. 4/BS-1 and 4/BS-5, Siddharth Vihar, Ghaziabad.

**Ref.:** Your Letter No. 2254 dated 30/08/2025

Respected Sir,

With due respect, we acknowledge the receipt of your above-mentioned letter regarding the reconstruction of the damaged drain near Plot No. 4/BS-1 and 4/BS-5 at Siddharth Vihar, Ghaziabad.

In this regard, we would like to submit the following for your kind consideration:

1. The RCC Hume pipes used for the reconstruction of the drain are of **diameter 1800 mm**, thereby having a **higher hydraulic carrying capacity** than the original municipal drain. Hence, the concern of reduction in drain size does not arise.
2. As instructed by you we are enclosing the design of drain line with brief calculations for your furtherance.
3. The revised drain has been constructed keeping in view the future load and rainfall conditions to ensure that no waterlogging or inconvenience is caused to the residents of Siddharth Vihar and surrounding areas.

We assure you of our full cooperation in all civic matters and confirm that all works are being carried out strictly in accordance with the approved design and directions of the concerned authorities.

We request you to kindly acknowledge the submission of reply of letter which we received from you..

Thanking you,

Yours sincerely,

[Authorized Signatory]

For **Prateek Realtors India Pvt. Ltd.**



04/09/25

**Encl.:** Copy of Approval Letter from Concerned Authority

**PRATEEK REALTORS INDIA PRIVATE LIMITED**

**Corporate Office:** Prateek PRO-MENAGE, A-42, Sector - 67, Noida | Ph.: +91 120-6788300 | Email: info@prateekgroup.com

**Regd. Office:** Plot No: 101-102, Himalaya Palace, 65 Vijay Block, Laxmi Nagar, G Block Shakarpur Delhi- 110092

CIN : U70101DL2009PTC197028

**PROJECT : PARTEEK GRAND CITY****DESIGN OF DRAIN LINE**

**Total Site Discharge** = = **49.42 MLD**  
= = **2,059 Cu M / Hour**  
or = **571.99 Lit/sec**

**Drain Pipe Design**

Final Drain Pipe Dia Selected = 1800 mm  
Slope ( 1 in 300) = 300

Drain Design as per Manning Formula

$$V = \frac{3.968 \times 10^{-3} \times D^{2/3} \times S^{1/2}}{n}$$

**V = 3.08 m/sec**

D = Dia (mm) = 1800 mm  
S = Slope = 300  
n = Manning Coefficient = 0.011  
V = Velocity (m/sec)

$$\text{Actual Pipe Capacity (Q) at 100\% flow} = \frac{\pi D^2 \times V}{4}$$

= 7.838170 m<sup>3</sup>/sec  
Q = 7838.17 Lit/sec

Where -

D = Dia (mm) = 1800 mm  
V = Velocity (m/sec) = 3.08

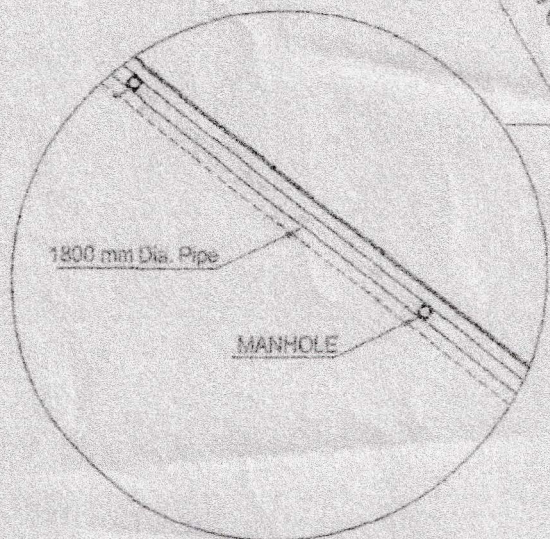
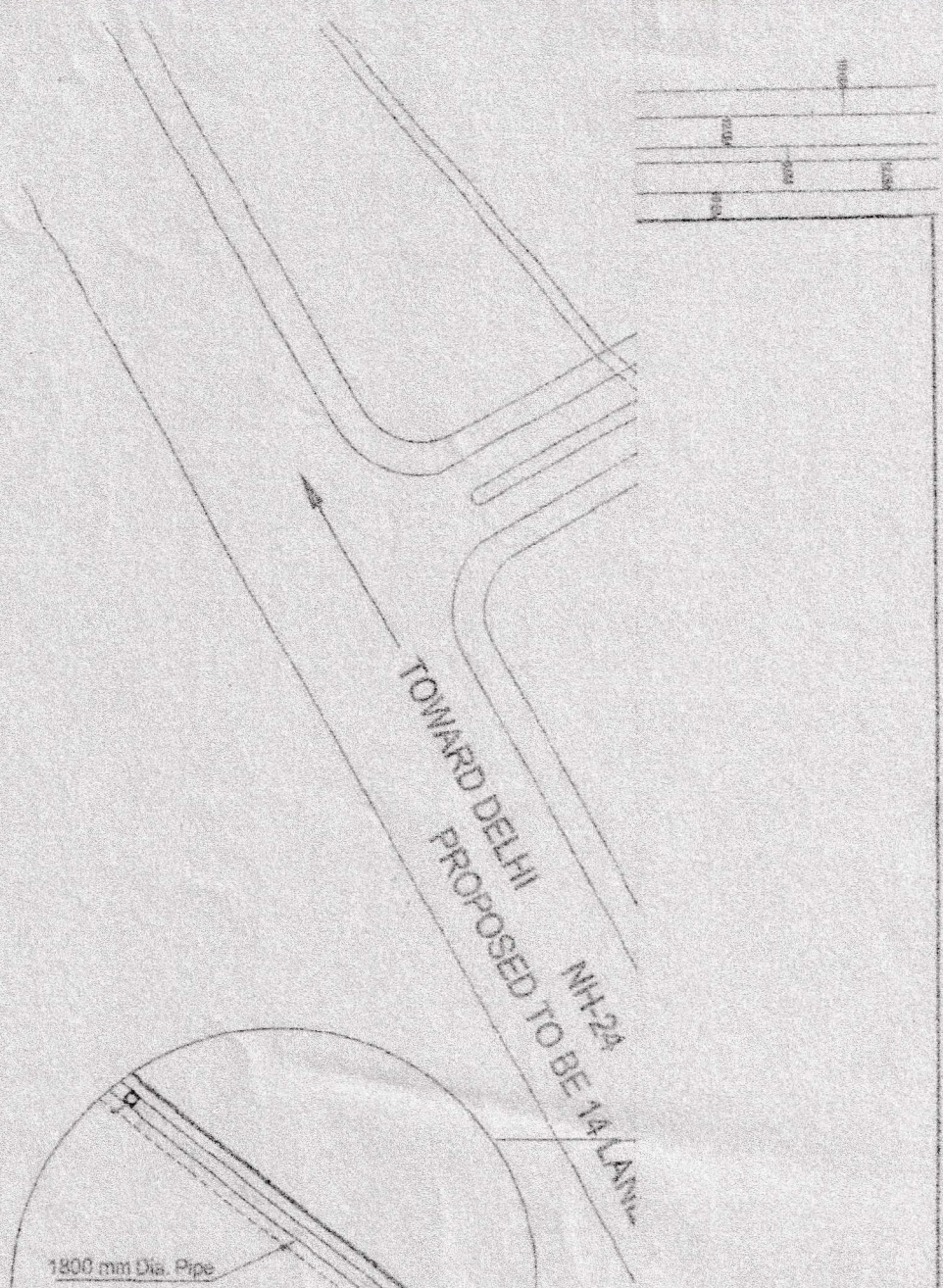
Q = Pipe Capacity (at full flow) m<sup>3</sup>/sec

Total Site Discharge = 571.99 Lit/sec  
Actual Pipe Capacity at 100% flow = 7838.17 Lit/sec

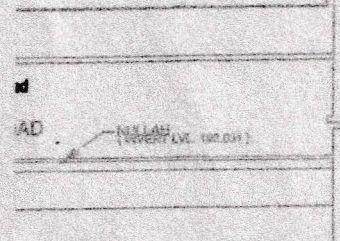
Total Site discharge is less the pipe capacity, hence 1800 mm Pipe Dia is OK



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DETAIL



For Prateek Realtors India Pvt. Ltd.

*[Signature]*  
 Authorized Signatory

SURVEY PLAN

Date - 01/09/2025

NALLAH DRAWING FOR P VIHAR GHAZIABAD





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## VAKALATNAMA

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, DELHI  
ORIGINAL APPLICATION NO. 633 OF 2025**

**IN THE MATTER OF:**

**SH. PANKAJ PRASAD**

**VERSUS**

**UTTAR PRADESH POLLUTION  
CONTROL BOARD & ORS**

**KNOW ALL to whom these presents shall come that I, Sunil Kumar Mittal, Authorised Representative of Respondent No. 6 in the abovementioned matter do hereby appoint  
CREDENTIAL LEGAL SERVICES**

**(Advocates, Legal Consultants & Solicitors)**

**(AKASH KAKADE ADV. MAH/2671/2011) (ADV. MONIKA UP/03025/2009) (ADV. PAWAN KAUSHIK D/6793/2022) (ADV. AJEET KUMAR D/5439/2022) Off: - LGF, B2/20, SAFDARJUNG ENCLAVE, DELHI -110029.**

hereinafter called the advocate(s) to be my/our Advocate in the above noted case authorize him:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage. 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 difference or disputes that may also touching or in any manner relating to the said case. To take execution proceedings.

To deposit, withdraw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf. And I/we undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute 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 Advocate for appearance when the case is called. And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for 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 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 Court for a period of three years only I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case.

**IN WITNESS WHEREOF** I/we do hereunto set my/our hand to these presents the contents of which been understood by me/us on this <sup>23</sup>TH DAY OF February, 2026. Accepted subject to the terms of the fees.

**Prateek Realtors India Pvt. Ltd.**

*Akash Kakade*  
*Monika*  
*Ajeet*  
*Pawan Kaushik*

**(P)**

**Advocates**

**Client**

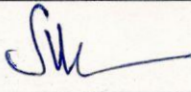
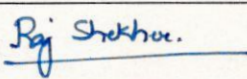
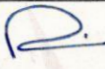
*[Signature]*  
**Authorized Signatory**

**Client**

**EXTRACTS OF THE MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF PRATEEK REALTORS INDIA PRIVATE LIMITED DULY CONVENED AND HELD ON TUESDAY, THE 8<sup>TH</sup> DAY OF SEPTEMBER, 2020 AT 10.00 A.M. AT A-42 SECTOR 67 NOIDA -201301**

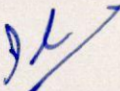
“**RESOLVED THAT** the consent of the Board of Directors be and is hereby accorded to authorise on behalf of the Company Mr. Sunil Kumar Mittal, S/o Late Sh. Jai Prakash Mittal, R/o B-1107, Prateek Fedora E-11, Sector 61, Noida, Gautam Budh Nagar, Uttar Pradesh or Col. Raj Shekher Sharma (Retd) S/o Deo Sharma, R/o A-2/A-64, DDA Flats, Janak Puri, New Delhi- 110058 or Mr. Ratan Mittal, S/o Shri Jai Prakash Mittal R/o Flat no. C-1414, Prateek Fedora, Plot No.- E-11, Sector- 61, Noida, Gautam Buddha Nagar, Uttar Pradesh-201301 to represent the Company in any case(s) /matter/appeal/execution/writ/SLP to file complaint/W.S./Reply/ affidavit or any other document filed by or against the Company in any court /mediation /forum /consumer Court/Commission/tribunal .

**RESOLVED FURTHER THAT** Mr. Sunil Kumar Mittal or Col. Raj Shekher Sharma (Retd) or Mr. Ratan Mittal be and is hereby authorised severally to sign, verify & file petition/plaints/ complaints/ reply to any complaints and/or to any application therein, to present any document in support and/or affidavit to be filed before the Hon’ble court/ forum. They are also authorised to appoint any agent/ attorney to act on his behalf to all other things connected thereto.”

Name	Specimen Signature
Mr. Sunil Kumar Mittal	
Col. Raj Shekher Sharma (Retd)	
Mr. Ratan Mittal	

**Certified True Copy**

**For Prateek Realtors India Private Limited**

  
**Prashant Kumar Tiwari**  
 Director  
 DIN: 00024438

**Date: 08.09.2020**  
**Place: Noida**

**PRATEEK REALTORS INDIA PRIVATE LIMITED**

**Corporate Office:** Prateek PRO-MENAGE, A-42, Sector-67, Noida | Tel: +91 120-2595555 | Fax: +91 120-2595544 | Email: info@prateekgroup.com

**Regd. Office:** Shop No. 7, Ground Floor, CSC Plot, Rishabh Ipex Mall, Patparganj, Near Vidyut Nikunj Society, Delhi-110092

CIN : U70101DL2009PTC197028

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Pawan Kaushik &lt;info@credentiallegal.com&gt;

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**Pankaj Prasad VS Uttar Pradesh Pollution Control Board (UPPCB) & Ors.  
OA NO. 633/2025**

1 message

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**Pawan Kaushik** <info@credentiallegal.com>  
To: Konark Tyagi <konarktyagi@gmail.com>

Sat, May 9, 2026 at 6:03 PM

Madam/ Sir

We are filing the counter affidavit in the matter of Pankaj Prasad Versus Uttar Pradesh Pollution Control Board (UPPCB) & Ors. OA NO. 633/2025.

Please find the counter affidavit attached.

Regards

Pawan Kaushik  
Advocate

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 **Prateek Counter Affidavit\_compressed.pdf**  
11546K