

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 25 /2020

IN THE MATTER OF:

Vikrant Tongad

...Applicant

VERSUS

Union Of India & Ors.

...Respondents

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 7, i.e., M/S
NOIDA GOLF COURSE SOCIETY**

**THE HON'BLE CHAIRPERSON AND LEARNED MEMBERS OF THE
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI.**

MOST RESPECTFULLY SHOWETH:

1. I, Steven John Menezes, S/o Robert Mark Menezes, working as Chief Executive Officer of The Noida Golf Course, having its office at Capt. Shashikant Sharma Marg, Sector-38 Noida, Uttar Pradesh-201301 do hereby solemnly affirm and state as under:
2. That I am the answering Respondent of this Counter Affidavit to Original Application No.25/2020 and am well acquainted with the facts and

circumstances of the case in my official capacity and competent to file and swear this Counter Affidavit on behalf of Respondent No. 7 - Noida Golf Course. Before giving para- wise reply following are the Preliminary Submissions:

PRELIMINARY SUBMISSIONS

- A. That the present Counter Affidavit is being filed on behalf of M/s Noida Golf Course Society (hereinafter referred to as "Answering Respondent" or "NGC") in response to the Application filed by the Applicant Vikrant Tongad under Section 14 of the National Green Tribunal Act, 2010.
- B. That the Answering Respondent categorically denies each and every allegation, assertion, and submission made in the Application and puts the Applicant to strict proof thereof. The Answering Respondent submits that the Application is misconceived, frivolous, vexatious, and an abuse of the process of law.
- C. That the Answering Respondent submits that the present Application is nothing but a continuation of harassment by the Applicant, who has been filing successive applications against various entities in Noida without any substantial basis or merit. Therefore, it is very respectfully submitted that the present Application lacks bona fide grounds, is devoid of any cogent material or credible evidence to substantiate the claims made therein, and appears to be filed with malafide intentions solely to cause unnecessary litigation and harassment. The Answering Respondent humbly prays that this Hon'ble Tribunal may be pleased to dismiss the present Application with exemplary costs for being frivolous, vexatious, and an abuse of the process of law, and grant such other relief as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

BRIEF FACTS

It is very respectfully submitted that in instant matter, the facts stated are based on the principle of *Suppressio veri suggestio falsi*. Before giving para-wise reply, the important, true and correct brief facts of the case are as follows:

- A. It is very respectfully submitted that the Noida Golf Course was established in December 1989 by the New Okhla Industrial Development Authority (herein after referred to as NOIDA) as part of the planned development of Noida city. The golf course has been operating as a non-profit organization with the primary objective of providing recreational facilities and maintaining green spaces in the urban landscape.
- B. It is very respectfully submitted that the irrigation system of the Noida Golf Course was originally installed, commissioned, and maintained by the NOIDA Authority itself. The primary system consisted of 5 pumping stations with bore wells and 4 tanks having storage capacity of 80,000 litres each tank.
- C. It is very respectfully submitted that over the years, Noida Golf Course has served the purpose as a green destination, creating lung space and serving as a major landmark of Noida city. The Noida Golf Course is playing its role to boost environmental needs for much needed ecological balance and has become a centre and shelter for various bird species with great enhancement of flora and fauna.
- D. It is very respectfully submitted that on 13.07.2019, the Petitioner filed a complaint before the District Magistrate, Gautam Budh Nagar against Respondent No. 7, regarding extraction of ground water for the irrigation of Noida Golf Course without any NOC.

- E. It is very respectfully submitted that on 14.01.2020, a Joint Inspection Committee formed for compliance of order dated 20.12.2019 passed by the Hon'ble Tribunal in OA No. 1046/2019 titled Mahesh Chandra Saxena vs Union of India & Ors., wherein it was directed that a factual report from the Joint Inspection Committee comprising Central Ground Water Authority, Uttar Pradesh Pollution Control Board, and Central Pollution Control Board was required. The committee visited Noida Golf Course without any prior notice and it is pertinent to mention that the Appellant was not a party in OA No. 1046/2019, yet the committee visited the premises of the Appellant and conducted a detailed inspection at the Golf Course and took note of the extraction process and water charging points.
- F. It is very respectfully submitted that on 21.01.2020, the same Joint Inspection Committee which had visited on 14.01.2020 again visited Noida Golf Course without any prior notice to check the functionality of the water charging points, and took samples of water from the charging points randomly and also samples of the extracted water.
- G. It is very respectfully submitted that the irrigation system of Noida Golf Course was installed, commissioned and maintained by NOIDA Authority. The primary system consisted of 5 pumping stations with bore wells and 4 tanks having storage capacity of 80,000 litres each tank. At the time of inspection by the Joint Inspection Committee, three out of five units were functional. The operational maintenance of the pumps was being undertaken through NOIDA Jal manpower.
- H. It is very respectfully submitted that the Hon'ble National Green Tribunal in O.A. No. 25/2020 set up a Joint Inspection Committee

to carry out inspection of the answering Respondent's premises through order dated 29.01.2020, however, the inspection was conducted on 14.01.2020 before the Hon'ble NGT passed the order and the inspection was done by virtue of an order passed by the Hon'ble NGT in OA No. 1046/2019 where the answering Respondent was not even a party. The Hon'ble Tribunal ordered the preparation of a factual and action-taken report on the basis of the inspection. The Joint Inspection Committee comprised the CPCB, State PCB, CGWA and the District Magistrate of Gautam Budh Nagar.

- I. It is very respectfully submitted that on 26.02.2020, an action taken report was filed by the Joint Inspection Committee in compliance with order dated 20.12.2019 passed by the Hon'ble NGT in OA No. 1046/2019 titled Mahesh Chandra Saxena vs State of UP & Ors.
- J. It is very respectfully submitted that on 29.03.2020, NOIDA STP Plant commenced the supply of treated water to the answering Respondent and therefore, the answering Respondent sealed the operational vertical turbine pumps and intimated the same with photographs to the Regional Director, Central Ground Water Authority, Lucknow.
- K. It is very respectfully submitted that on 04.03.2020, a reply to the show-cause notice dated 20.02.2020 was given by the answering Respondent wherein the answering Respondent stated that the tube wells at Noida Golf Course had been sealed and photographs were also attached. The Appellant also confirmed that Noida Golf Course was using only STP water for all its irrigation purposes.
- L. It is very respectfully submitted that on 19.06.2020, the Hon'ble Tribunal issued an order relying on the report filed by the Joint Inspection Committee directing the Appellant to pay interim

compensation of Rs. 25,00,000/- (Rupees Twenty-Five Lacs only) which was to be deposited with the Central Pollution Control Board within one month from the date of the order. The Hon'ble Tribunal also held that the payment of compensation would be a condition for continued operation of the establishment.

- M. It is very respectfully submitted that the answering Respondent was not provided any opportunity to present its contentions before the Hon'ble Tribunal. Although the answering Respondent had been impleaded as a party in the dispute, no notice was issued to the answering Respondent by the Hon'ble Tribunal regarding the ongoing proceedings in O.A. No. 25/2020. Prior to the site inspection conducted by the Joint Inspection Committee, the Appellant was unaware of the proceedings under O.A. No. 25/2020 going on before the Hon'ble Tribunal. The answering Respondent was not provided the report of the Joint Inspection Committee dated 26.02.2020 and neither were its replies to the Show Cause Notice dated 20.02.2020 presented before the Hon'ble Tribunal. Therefore, the answering Respondent was presented with no opportunity to raise its factual position before the Hon'ble Tribunal.
- N. It is very respectfully submitted that the answering Respondent is aggrieved by the impugned interim judgment whereby compensation of Rs. 25,00,000/- (Rupees Twenty-Five Lacs only) has been imposed on it by the Hon'ble Tribunal in an arbitrary fashion, without providing any opportunity of hearing to the Appellant. Moreover, the Hon'ble Tribunal has failed to provide any reason behind imposing such high quantum of compensation.
- O. It is very respectfully submitted that the answering Respondent came to know that an identically situated entity, M/s Advant Navis Business Park, had also filed an appeal vide Civil Appeal No.

3074/2020 before the Hon'ble Supreme Court against the impugned interim order dated 19.06.2020 passed by the Hon'ble Tribunal and the Hon'ble Supreme Court was pleased to grant stay on the impugned interim order dated 19.06.2020 vide its order dated 02.11.2020 passed in Civil Appeal No. 3074/2020.

- P. That it is submitted that the Hon'ble Supreme Court vide judgment dated 26.03.2025 in Civil Appeal No. 5722/2021 has:
- a) Modified the interim order directing that amounts deposited shall abide by the outcome of the Original Applications
 - b) Directed that proceedings before NGT shall continue in accordance with law
 - c) Granted liberty to parties to raise all their pleas and contentions
 - d) Clarified that no comments have been made on the merits of the case.

That this clearly indicates that the matter requires fresh consideration on merits with proper adherence to principles of natural justice.

3. LEGAL SUBMISSIONS

- A. It is very respectfully submitted that the Hon'ble National Green Tribunal failed to provide any occasion to the answering Respondent to present their case by failing to issue notice to the answering Respondent. The factual position of the answering Respondent was not produced before the Hon'ble Tribunal.
- B. It is very respectfully submitted that the Hon'ble Tribunal failed to consider the law posited by this Hon'ble Court in *Maneka Gandhi v Union of India* [1978 AIR SC 597], *Ajay Hasia v Khalid Mujin Sara* (1981) 1 SCC 722] and *M. Nagaraj v Union of India* (2005) 8 SCC 212] that the principles of

natural justice make an integral part of the right to equality protected under Article 14 of the Indian Constitution.

- C. It is very respectfully submitted that the Hon'ble Tribunal committed serious error in law by not issuing notices to the answering Respondent who, along with two others, was named in the Joint Inspection Report as being guilty of violation of the Principles of Natural Justice and the universally accepted principle of 'Audi Alteram Partem'.
- D. It is very respectfully submitted that the Hon'ble Tribunal failed to take into account that it has been settled by this Hon'ble Court in a catena of judgments that no one should be condemned without being heard and that all parties must be given an opportunity of being heard. Passing an order prejudicial to any person, without affording him a reasonable opportunity of being heard, is violative of the principles of natural justice, which is a crucial tenet of civilized justice system.
- E. It is very respectfully submitted that the Hon'ble Tribunal failed to appreciate that Noida Golf Course is playing a pivotal and crucial role to boost environmental needs for much needed ecological balance and also it has become centre and shelter for various bird species with great enhancement of Flora and Fauna. Noida Golf Course provides the opportunity for young kids/teens as learners of Golf as a sport for NCR and especially Noida residents. Also, NGC is a no profit no loss organization, with a limited source of income and also running into losses due to heavy maintenance cost involved, making losses every financial year.
- F. It is very respectfully submitted that the Hon'ble Tribunal failed to appreciate that the answering Respondent requested NOIDA, JAL-2 for the supply of STP water for irrigation of Noida Golf Course immediately after the letter was received NOIDA authority. The letter contained projected requirement of water for the irrigation purpose. The total area which requires irrigation on daily basis is 44.42 acres and the quantum of water

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required for irrigation depends upon various factors, the requirement of water also varies from season to season.

- G. It is very respectfully submitted that the Hon'ble Tribunal failed to appreciate that the answering Respondent was regularly updating authorities and also sent a letter to the Tehsildar, Dadri, Gautam Budh Nagar intimating that the answering Respondent has approached the NOIDA authority, herein Respondent No. 6 for supplying STP water for irrigation of the Golf Course, wherein it was assured by the authority that they will provide an early solution.
- H. It is very respectfully submitted that the Hon'ble Tribunal failed to appreciate that the irrigation system of Noida Golf Course was installed, commissioned and maintained by NOIDA authority.
- I. It is very respectfully submitted that the Application filed by Petitioner under Section 14 of National Green Tribunal Act, 2010 was a futile exercise, as below his Application the authorities already proceeded acting on his complaint and the answering Respondent also took remedial measures at the earliest.
- J. It is very respectfully submitted that the Joint Committee formed for compliance of order dated 20.12.2019 passed by Hon'ble Tribunal in OA no. 1046/2019 titled as Makesh Chandra Saxena vs Union of India & Ors., wherein it was directed that factual report from the Joint Inspection Committee is required. The committee also visited Noida Golf Course without any prior notice and it is also pertinent to mention here that the answering Respondent is not a party in OA no. 1046/2019 but still the committee visited the premises of the answering Respondent and conducted a detailed inspection at the Golf Course and took note of the extraction process and water charging points. The same Joint Inspection Committee again visited Noida Golf Course without any prior notice to check the functionality of the water charging points, and took samples of

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water from the charging points randomly and also samples of the extracted water.

- K. It is very respectfully submitted that the Hon'ble Tribunal failed to appreciate that Hon'ble Tribunal in O.A. No. 25/2020 vide order dated 29.01.2020 directed to set up a Joint Inspection Committee to carry out inspection of the Noida Golf Course, however, the inspection was done on 14.01.2020 before Hon'ble NGT passed order against the Appellant and the inspection was done by virtue of an order passed by Hon'ble NGT in OA no. 1046/2019 where Appellant was not even a party.
- L. It is very respectfully submitted that the Hon'ble Tribunal further failed to appreciate the fact that the appellant was also not even provided with a copy of the report of the Joint Inspection Committee, which was submitted before the Hon'ble Tribunal, and had no occasion to address the Hon'ble Tribunal in respect of the contents of the report as it was not even aware of the filing of the same. Even the explanations and replies to the show cause notices, submitted by the Appellant to various authorities, were not placed before the Hon'ble Tribunal by any of the authorities, with the clear intention of prejudicing the mind of the Hon'ble Tribunal against the Appellant.
- M. It is very respectfully submitted that the Central Ground Water Authority, issued show- cause notice based on observations made during the inspection conducted on 14.01.2020 and 21.01.2020 Central Ground Water Authority, herein Respondent No. 4 directed answering Respondent to rectify the default/contravention under the violation of provisions of Section 15 and Section 16 of the Environment (Protection) Act. 1986. It further cautioned answering Respondent to take appropriate legal measures, if answering Respondent fails to seal the operational tube walls and directed them to send the photographs to their Regional Office, Lucknow. The answering Respondent immediately acted upon the show

cause notice and in their reply the answering Respondent stated that the nabe wells at Noida Golf Coume have been sealed and the photographs were also attached. Also, that Noida Golf Course is using only STP water for its all-irrigation purposes.

- N. It is very respectfully submitted that the answering Respondent was not provided any chance to present its contention in front of the Hon'ble Tribunal. Although the answering Respondent had been impleaded as a party in the dispute, no notice was issued to the answering Respondent by the Hon'ble Tribunal regarding the ongoing proceedings in O.A. No. 25/2020. Prior to the site inspection conducted by the Joint Inspection Committee, the answering Respondent was unaware of the proceedings under O.A. No. 25/2020 going on before the Hon'ble Tribunal. The answering Respondent was not sent the report of the Joint Inspection Committee dated 26.02.2020 and neither were its replies to the Show Cause Notice dated 20.02.2020 presented in front of the Hon'ble Tribunal. Therefore, the answering Respondent was presented with no opportunity to raise its factual position in front of the Hon'ble Tribunal.
- O. It is very respectfully submitted that both the allegations that have been levelled against the answering Respondent in the Joint Inspection Committee report dated 26.02.2020, which formed the basis of the order dated 19.06.2020 passed by the Hon'ble Tribunal, are unsupported by facts, and inexplicably, some facts have been deliberately concealed from the Hon'ble Tribunal by the committee, which has caused prejudice in the mind of the Hon'ble Tribunal against the answering Respondent.
- P. It is very respectfully submitted that the answering Respondent is fully conscious and supportive of the fact that the polluter pays principle is an important tool to address environmental violations. Seeing a polluter being made to pay for its offences instils confidence and a sense of justice in the society. However, it is important that this principle is applied in a fair and

objective manner and not arbitrarily, as unjustified and unfair application of the same will demoralize entities such as the answering Respondent.

- Q. It is very respectfully submitted that the Appellant was not given any notice about the proceedings before the Hon'ble Tribunal, which violates the very essential principle of Audi Alteram Partem. The interim compensation imposed by the Hon'ble Tribunal was by virtue of the report date 26.02.2020 submitted by the Joint Inspection Committee before the Hon'ble Tribunal. However, the Hon'ble Tribunal failed to appreciate a very peculiar fact that the inspection which was to be done by the Joint Inspection Committee was ordered by Hon'ble Tribunal vide order dated 29.01.2020 but the same was done prior, i.e., on 14.01.2020 before the Hon'ble Tribunal passed an order of inspection against the Appellant. The inspection done by the Joint Inspection Committee on 14.01.2020 was without any order and hence, the compensation imposed by the Hon'ble Tribunal is arbitrary.

4. PARA- WISE REPLY TO THE GROUNDS.

- A. It is very respectfully submitted that the ground mentioned in Para 14(A) - is wholly untenable and devoid of merit.
- i. The Answering Respondent categorically denies the allegation that it is extracting groundwater illegally without valid NOC from the Central Ground Water Authority (CGWA).
 - ii. That it is submitted that the golf course was established by NOIDA Authority in 1989, much before the current CGWA guidelines came into effect in 2015. The facility has been operating under the aegis and supervision of NOIDA Authority since its inception.

- iii. That as per the Supreme Court judgment dated 26.03.2025 in Civil Appeal No. 5722/2021, it has been clearly established that the Answering Respondent was not provided adequate notice or hearing before the imposition of interim compensation, which violated the principles of natural justice.
- iv. That the Answering Respondent submits that immediately upon receiving notice from NOIDA Authority regarding the complaint filed by the Applicant, remedial measures were taken. Vide letter dated 13.09.2019, the Answering Respondent requested NOIDA JAL- 2 for supply of STP water for irrigation purposes. It is very respectfully submitted that the allegation pertaining to extraction of groundwater from five bore wells without a valid NOC from the Central Ground Water Authority is wholly misconceived and factually incorrect. The answering Respondent submits that upon receipt of the show cause notice dated 20.02.2020 issued by the Central Ground Water Authority based on observations made during inspections conducted on 14.01.2020 and 21.01.2020, the answering Respondent immediately acted upon the same and complied with all directions contained therein. It is further submitted that the answering Respondent, in its reply to the aforesaid show cause notice, categorically stated that the bore wells at Noida Golf Course have been sealed and photographic evidence of the same was duly provided to the Central Ground Water Authority. The answering Respondent is using only STP water for all its irrigation purposes, thereby demonstrating its commitment to environmental compliance and sustainable water usage practices.
- v. It is most respectfully submitted that the irrigation system of Noida Golf Course was installed, commissioned and maintained by NOIDA authority itself. It is humbly submitted that the answering Respondent had approached NOIDA authority for the supply of STP water for irrigation of Noida Golf Course immediately after receiving correspondence from the

NOIDA authority. The answering Respondent further submits that it had been regularly updating the concerned authorities and had sent a letter to the Tehsildar, Dadri, Gautam Budh Nagar intimating that the answering Respondent had approached the NOIDA authority for supplying STP water for irrigation of the Golf Course, wherein it was assured by the authority that they would provide an early solution to address the water requirements in an environmentally sustainable manner. It is most respectfully submitted that the answering Respondent's actions subsequent to the show cause notice clearly demonstrate good faith compliance and remedial measures taken at the earliest opportunity. The sealing of bore wells and transition to STP water usage evidences the answering Respondent's commitment to environmental protection and compliance with statutory requirements. The allegation of continued unauthorized groundwater extraction is therefore wholly unsustainable and contrary to the factual position as established by the answering Respondent's compliance response to the Central Ground Water Authority.

- B. It is very respectfully submitted that the ground mentioned in Para 14(B) – is answered as follows:
- i. The Answering Respondent does not dispute that Noida has been classified as an over-exploited region by CGWA. However, it is submitted that this classification came after the establishment and operation of the golf course.
 - ii. That it is respectfully submitted that the golf course, being a green space covering approximately 125 acres, actually contributes to groundwater recharge through natural percolation and artificial recharge structures. The facility has 32 rainwater harvesting pits as confirmed by the Joint Inspection Committee report.
 - iii. It is very respectfully submitted that while the answering Respondent acknowledges the findings contained in the report titled "Aquifer Mapping

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and Ground Water Management Plan-parts of NCR and Uttar Pradesh" which notifies the whole of Noida as an over-exploited region due to fast-depleting ground water levels, the answering Respondent submits that this very classification underscores the necessity and urgency with which remedial measures were undertaken by the answering Respondent upon being made aware of the environmental concerns.

- iv. It is humbly submitted that the answering Respondent, being fully cognizant of the critical groundwater situation in Noida and its responsibility towards environmental protection, took immediate and concrete steps to address any potential contribution to groundwater depletion. Upon receipt of the show cause notice dated 20.02.2020 from the Central Ground Water Authority, the answering Respondent expeditiously sealed all bore wells at the Noida Golf Course and provided photographic evidence of the same to the concerned authority, thereby eliminating any further extraction of groundwater from the premises. It is further submitted that recognizing the over-exploited status of the region, the answering Respondent proactively approached the NOIDA authority for the supply of STP (Sewage Treatment Plant) water for irrigation purposes, which represents a sustainable and environmentally responsible alternative to groundwater usage. The answering Respondent submitted detailed projections of water requirements for the total irrigated area of 44.42 acres, taking into account seasonal variations and various factors affecting water consumption patterns. It is most respectfully submitted that the answering Respondent's transition to STP water usage is not merely compliance with statutory requirements but represents a positive contribution to groundwater conservation efforts in an over-exploited region. The use of treated wastewater for irrigation purposes serves the dual purpose of reducing pressure on groundwater resources while ensuring productive utilization of recycled water, thereby aligning with

sustainable water management practices recommended for over-exploited areas. It is submitted that the answering Respondent has consistently demonstrated its commitment to environmental stewardship by regularly updating concerned authorities about its water usage patterns and remedial measures. The correspondence with the Tehsildar, Dadri, Gautam Budh Nagar regarding the approach to NOIDA authority for STP water supply further evidences the answering Respondent's transparent and proactive approach towards addressing groundwater concerns in the notified over-exploited region. The answering Respondent respectfully submits that Noida Golf Course is playing a pivotal and crucial role in environmental conservation by providing much needed ecological balance and serving as a centre and shelter for various bird species with significant enhancement of flora and fauna. The maintenance of such green spaces in an over-exploited region, when coupled with sustainable water practices such as the use of STP water, contributes positively to the overall environmental rehabilitation efforts. It is therefore most humbly submitted that the answering Respondent's actions, far from contributing to the over-exploitation of groundwater resources, demonstrate a responsible and proactive approach towards groundwater conservation in full recognition of the critical status of the region as identified in the aforesaid report.

C. It is very respectfully submitted that the ground mentioned in Para 14(D) – is replied as follows:

- i. The Answering Respondent submits that the CGWA Guidelines 2015 came into effect much after the establishment of the golf course in 1989. The principle of prospective application of law should apply, and no retrospective penalty can be imposed.

- ii. That it is submitted that the golf course qualifies as an infrastructure project under the CGWA guidelines, and the facility contributes to artificial recharge through its 32 rainwater harvesting structures.
- iii. That the Answering Respondent has been in constant communication with authorities and has taken all necessary steps to comply with the guidelines as and when they became applicable.
- iv. It is very respectfully submitted that while the answering Respondent acknowledges the Central Ground Water Authority Guidelines for evaluation of proposals/requests for ground water abstraction issued in 2015, which mandate NOC from CGWA for extraction of ground water in over exploited areas, the answering Respondent submits that this very requirement underscores the appropriateness and timeliness of the remedial measures undertaken upon being apprised of the regulatory framework and environmental concerns. It is humbly submitted that the answering Respondent, upon receipt of the show cause notice dated 20.02.2020 from the Central Ground Water Authority which specifically directed rectification of defaults/contraventions under the provisions of Section 15 and Section 16 of the Environment (Protection) Act, 1986, immediately acted upon the same in complete compliance with the statutory requirements and the CGWA Guidelines, 2015. It is further submitted that recognizing the mandatory requirement of NOC for groundwater extraction in over-exploited areas as stipulated in the CGWA Guidelines, 2015, the answering Respondent took the definitive step of sealing all bore wells at the Noida Golf Course, thereby completely eliminating any unauthorized groundwater extraction activity. Photographic evidence of the sealing of bore wells was duly submitted to the Central Ground Water Authority as confirmation of complete compliance with the regulatory framework. It is most respectfully submitted that the answering Respondent's response to the CGWA Guidelines, 2015 was not merely

technical compliance but represented a fundamental shift in water sourcing strategy from groundwater extraction to the utilization of treated STP water for all irrigation purposes. This transition ensures complete adherence to the CGWA Guidelines while maintaining the environmental benefits associated with the irrigated green space of 44.42 acres. It is submitted that the answering Respondent's proactive approach in approaching the NOIDA Authority for supply of STP water, coupled with the authority's responsive infrastructure development through laying of the STP water pipeline up to the boundary of the golf course, demonstrates a systematic and comprehensive solution that obviates the need for any NOC for groundwater extraction since no such extraction is being undertaken post-compliance. The answering Respondent respectfully submits that the irrigation system originally installed, commissioned and maintained by the NOIDA Authority itself, with operational maintenance being undertaken through NOIDA Jal manpower, indicates that the initial infrastructure was developed under the oversight of the statutory authority. The subsequent transition to STP water usage represents an evolution towards enhanced environmental compliance in line with the CGWA Guidelines, 2015. It is further submitted that the answering Respondent's categorical confirmation in its reply to the Central Ground Water Authority that Noida Golf Course is using only STP water for all irrigation purposes establishes complete compliance with the regulatory requirement that groundwater extraction in over-exploited areas requires NOC from CGWA, since no groundwater extraction is being undertaken whatsoever. It is therefore most humbly submitted that the answering Respondent's comprehensive remedial measures, including sealing of bore wells and transition to STP water usage, ensures full compliance with the CGWA Guidelines, 2015 and eliminates any regulatory violation concerning unauthorized groundwater extraction in the over-exploited region.

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D. It is very respectfully submitted that the ground mentioned in Para 14E – is replied as follows:

- i. The Answering Respondent submits that the decline in groundwater levels in Noida is a result of rapid urbanization, industrial development, and population growth, and cannot be attributed solely or primarily to the operation of the golf course.
- ii. That it is submitted that the golf course, by maintaining large green areas and rainwater harvesting structures, actually helps in groundwater recharge and mitigates the decline in water levels.
- iii. It is very respectfully submitted that while the answering Respondent acknowledges the findings of the Central Ground Water Authority in 2018 highlighting that the region of Noida has experienced a decline in ground water level of more than 1.5m and the resultant potential for a huge water crisis in Noida, the answering Respondent submits that this alarming situation necessitated immediate and decisive action, which was undertaken by the answering Respondent in a responsible and environmentally conscious manner.
- iv. It is humbly submitted that the gravity of the groundwater depletion crisis as identified by the Central Ground Water Authority in 2018, with decline levels exceeding 1.5m, underscores the critical importance of the remedial measures adopted by the answering Respondent. Upon being made aware of the environmental concerns through the show cause notice dated 20.02.2020, the answering Respondent immediately recognized its responsibility to contribute to the mitigation of this water crisis rather than exacerbate the same. It is further submitted that in direct response to the alarming groundwater decline highlighted by the Central Ground Water Authority, the answering Respondent took the definitive step of completely

sealing all bore wells at the Noida Golf Course, thereby eliminating any further contribution to the depletion of groundwater resources. This action represents a tangible contribution to groundwater conservation efforts in a region facing such severe water stress. It is most respectfully submitted that the answering Respondent's transition from groundwater extraction to the exclusive use of treated STP water for irrigation purposes represents a paradigm shift from being a potential contributor to the water crisis to becoming part of the solution. The utilization of treated wastewater for irrigation of 44.42 acres not only eliminates pressure on groundwater resources but also ensures productive reuse of water that would otherwise require disposal. It is submitted that the answering Respondent's proactive approach in collaborating with the NOIDA Authority for the supply of STP water, evidenced by the authority's infrastructure investment in laying the STP water pipeline up to the golf course boundary, demonstrates a commitment to addressing the water crisis through sustainable and innovative water management practices. The answering Respondent respectfully submits that the maintenance of the Noida Golf Course through sustainable water practices serves the dual purpose of groundwater conservation and environmental enhancement. The 44.42 acres of irrigated green space, when maintained through treated wastewater, contributes to groundwater recharge through natural percolation while providing crucial ecological benefits including air purification, carbon sequestration, and habitat for various bird species. It is further submitted that the answering Respondent's approach aligns with the urgent need for water conservation measures in Noida as highlighted by the Central Ground Water Authority's 2018 findings. It is therefore most humbly submitted that the answering Respondent's comprehensive response to the groundwater crisis, including complete cessation of groundwater extraction and adoption of sustainable alternatives, demonstrates responsible environmental stewardship and

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contributes positively to addressing the water crisis in Noida rather than aggravating the same.

E. It is very respectfully submitted that the ground mentioned in Para 14F) – is replied as follows:

- i. The Answering Respondent submits that the figure of 492103 litres mentioned by the Applicant is a generic estimate and does not reflect the actual consumption at Noida Golf Course.
- ii. That according to the Joint Inspection Committee report, the total water consumption at NGC is approximately 500 KLD, which is significantly lower than the figure cited by the Applicant.
- iii. It is very respectfully submitted that while the answering Respondent acknowledges that golf courses require substantial water for irrigation purposes, including through networks of sprinklers for daily maintenance, the premise underlying this ground is fundamentally flawed as it presupposes continued extraction of groundwater by the Noida Golf Course, which is factually incorrect given the comprehensive remedial measures undertaken by the answering Respondent. It is humbly submitted that the answering Respondent, being fully cognizant of the substantial water requirements for maintaining the golf course and the potential impact on the over-exploited groundwater table of Noida, has completely eliminated any burden on groundwater resources by sealing all bore wells and transitioning exclusively to treated STP water for all irrigation purposes. The photographic evidence of sealed bore wells submitted to the Central Ground Water Authority conclusively establishes that no groundwater extraction is being undertaken. It is further submitted that the substantial water requirements referenced in this ground, far from placing

a burden on the already strained groundwater table, are now being met entirely through the utilization of treated wastewater supplied by the NOIDA Authority through the dedicated STP water pipeline laid up to the golf course boundary. This represents a complete transformation from potential groundwater depletion to productive reuse of treated wastewater that would otherwise require disposal. It is most respectfully submitted that the answering Respondent's approach to meeting its irrigation requirements of 44.42 acres through exclusive use of STP water demonstrates responsible water management that actually contributes to alleviating pressure on groundwater resources rather than adding to the same. The quantum of treated wastewater utilized for irrigation represents water that has been recycled and put to productive use rather than extracted from the depleting groundwater table.

- iv. It is submitted that the irrigation infrastructure originally installed, commissioned and maintained by the NOIDA Authority, with operational maintenance through NOIDA Jal manpower, demonstrates institutional support for the golf course operations. The subsequent transition to STP water supply through dedicated pipeline infrastructure represents an evolution towards sustainable water management that addresses environmental concerns while maintaining the ecological benefits of the green space. The answering Respondent respectfully submits that the utilization of treated STP water for irrigation purposes serves multiple environmental benefits beyond groundwater conservation. The 44.42 acres of maintained green space contributes to air purification, carbon sequestration, groundwater recharge through natural percolation of irrigation water, temperature regulation, and provides habitat for various bird species, thereby enhancing flora and fauna in the region. It is further submitted that the answering Respondent's water consumption patterns, as detailed in the projections submitted to the NOIDA Authority, take into

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account seasonal variations and various factors affecting irrigation requirements. The transparent disclosure of water requirements and collaborative approach with the statutory authority demonstrates responsible planning and environmental consciousness.

- v. It is therefore most humbly submitted that the substantial water requirements of the Noida Golf Course, rather than placing a burden on the over-exploited groundwater table of Noida, are being met through sustainable utilization of treated wastewater, thereby contributing to groundwater conservation while maintaining crucial ecological benefits for the region.

F. It is very respectfully submitted that the ground mentioned in Para 14 (G) – is replied as follows:

- i. The Answering Respondent submits that the orders cited by the Applicant pertain to different factual circumstances and are not directly applicable to the present case.
- ii. That it is submitted that the Answering Respondent has always been committed to environmental protection and has taken all necessary measures to comply with the directions of this Hon'ble Tribunal.
- iii. It is very respectfully submitted that the answering Respondent acknowledges the observations made by this Hon'ble Tribunal in *Vikrant Tongad v. Union of India & Ors*, O.A No. 59 of 2012, particularly the Hon'ble Tribunal's recognition of the critical dimension of indiscriminate use of underground water and its impact on Article 21 of the Constitution of India. The answering Respondent submits that such judicial pronouncements have been the guiding principles in formulating and implementing the comprehensive remedial measures undertaken to address

groundwater conservation concerns. In complete alignment with this judicial wisdom, the answering Respondent has eliminated any contribution to the depletion of underground water resources by completely sealing all bore wells and transitioning exclusively to treated STP water for irrigation purposes. It is further submitted that the alarming findings highlighted by the Hon'ble Tribunal in its order dated 23.04.2015, noting that in NOIDA and Greater NOIDA the groundwater levels had gone down 15 meters between 2007 to 2014, representing depletion of more than one meter per year, and the consequent grave scarcity for drinking purposes, have been treated with the utmost seriousness by the answering Respondent. The remedial measures undertaken represent a direct response to the Hon'ble Tribunal's directive to all Public Authorities to take necessary measures in accordance with law. It is most respectfully submitted that the answering Respondent's actions are in complete consonance with the Hon'ble Tribunal's emphasis on the need to protect water resources and prevent pollution. By transitioning to treated STP water utilization, the answering Respondent has not only eliminated any burden on underground water resources but has also contributed to the productive reuse of treated wastewater, thereby supporting both water conservation and pollution prevention objectives. By ceasing groundwater extraction and adopting sustainable water management practices, the answering Respondent has ensured that its operations do not compromise the fundamental right to life of ordinary citizens who depend on groundwater for drinking purposes. The answering Respondent respectfully submits that the comprehensive infrastructure development undertaken by the NOIDA Authority, including laying of the STP water pipeline up to the golf course boundary, represents the kind of necessary measures contemplated by the Hon'ble Tribunal's directive to Public Authorities. This collaborative approach between the answering

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Respondent and the statutory authority demonstrates institutional commitment to addressing the groundwater crisis in accordance with law. It is further submitted that the answering Respondent's transition from groundwater extraction to STP water utilization serves the dual purpose articulated by the Hon'ble Tribunal - protecting water resources while preventing pollution. The utilization of treated wastewater for maintaining 44.42 acres of green space ensures that water conservation is achieved without compromising the environmental benefits associated with the maintained ecological habitat.

- iv. It is submitted that the answering Respondent's categorical confirmation to the Central Ground Water Authority that only STP water is being used for all irrigation purposes represents complete adherence to the judicial mandate of preventing indiscriminate use of underground water. The photographic evidence of sealed bore wells submitted to the authority conclusively establishes compliance with the Hon'ble Tribunal's concerns regarding groundwater protection.

5. It is very respectfully submitted that immediately upon receiving complaints and notices from various authorities, the answering Respondent took the following remedial measures:

- a) Requested NOIDA Authority for supply of STP water vide letter dated 13.09.2019
- b) Kept authorities informed about the progress vide letter dated 28.11.2019
- c) Sealed all operational tube wells as soon as STP water supply commenced
- d) Submitted compliance report with photographic evidence to CGWA

e) Ensured that only STP water is being used for irrigation purposes

That these measures demonstrate the bonafide intention of the answering Respondent to comply with environmental norms and regulations.

6. That the Answering Respondent submits that NGC operates as a non-profit organization with limited income sources and has been incurring losses due to heavy maintenance costs involved in upkeeping the large green area. That the imposition of heavy financial penalty would adversely affect the maintenance of the green space, which would be detrimental to the environment and public interest.

7. That the answering Respondent prays for leave to file any supplementary affidavit if required in the interest of justice or as directed by this Hon'ble Tribunal.

8. That this Counter Affidavit is being filed bona fide and in the interest of justice.

9. In view of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass any other order(s) as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. VERIFICATION

I, Steven J Menzies Chief Executive Officer of M/s Noida Golf Course Society, do hereby verify that the contents of the above Counter Reply are true and correct to my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom.

PLACE: New Delhi

DATE: 27/08/25



ATTESTED
 NOTARY PUBLIC
 DELHI (INDIA)
 27 AUG 2025

[Signature]
 DEPONENT

[Signature]
 Identified the deponent who
 has signed in my presence

KARTIKEYA
 CHAUDHARY
 D/12898/25

8287615201

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FILED BY:

Vishnu Sharma

(VISHNU SHARMA)

AOR for the Respondent No. 4,
Off.:109, (LGF), Golf Apartment,

Sujan Singh Park, Maharshi Raman Marg,

Chamber No. 807, E Block, New Additional Building,

Supreme Court of India

New Delhi, Mobile: 98111-11454

Kartik
I identified the deponent who
has signed in my presence

KARTIKEYA CHAUDHARY

D/12898/2025

8287615201

Dated: 27/08/2025



ATTESTED

[Signature]
NOTARY PUBLIC
DELHI (INDIA)

27 AUG 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 25 /2020

IN THE MATTER OF:

Vikrant Tongad

...Applicant

VERSUS

Union Of India & Ors.

...Respondents

AFFIDAVIT

I, Steven John Menezes, S/o Robert Mark Menezes, working as Chief Executive Officer of The Noida Golf Course, having its office at Capt. Shashikant Sharma Marg, Sector-38 Noida, Uttar Pradesh-201301(Presently at New Delhi) do hereby solemnly affirm and declare as under:

- 1. That I am the Respondent No. 7, i.e., Noida Golf Course in the Counter Affidavit to the Original Application filed by the Applicant and am well conversant with the facts of the case and am competent to swear this affidavit.
- 2. That I have gone through the contents of the Counter Affidavit from Para 1 to 10 and I state that the averments made therein are true to the best of my knowledge and nothing material has been concealed therefrom.
- 3. That the facts stated herein above are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

[Signature]
0/12898/25
I identified the deponent who has signed in my presence

KARTIKEYA CHAUDHARY
8287615201

[Signature]
DEPONENT

VERIFICATION

I, the deponent above named do hereby solemnly affirm that the contents of para 1 to 3 of this Affidavit and the same are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therein.



Identified
Vishnu Sharma
27/8
27/8 day of August, 2025 at Delhi.
D/367/184/94

ATTESTED
[Signature]
NOTARY PUBLIC
DELHI (INDIA)

[Signature]
DEPONENT

27 AUG 2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 25 /2020

IN THE MATTER OF:

Vikrant Tongad

.... Applicant

VERSUS

Union Of India & Ors.

.... Respondents

VAKALATNAMA

I, Steven John Menezes, S/o Robert Mark Menezes, working as Chief Executive Officer of The Noida Golf Course, having its office at Capt. Shashikant Sharma Marg, Sector-38 Noida, Uttar Pradesh-201301(Presently at New Delhi) in the above Petition/Appeal /Suit/Application to do hereby appoint and retain **Mr. Vishnu Sharma ,Advocate-on-Record, Supreme Court of India** to act and appear for me/us in the above Suit/appeal/Petition/Reference/review and on my/our behalf to conduct and prosecute/defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review. and to file and obtain, return of documents, and to deposit and receive any money on my/our behalf in the Suit/Appeal/Petition/Reference and in application of Review, and to represent me/ us, and to take all necessary steps on my/our behalf in the above matter. I/We agree to pay his fees and our pocket expenses, agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 27th day of August, 2025 ACCEPTED, VERIFIED, IDENTIFIED & CERTIFIED

Vishnu Sharma

VISHNU SHARMA
Advocate-on-Record,
Supreme Court of India,
Off.: 109, (LGF), Golf Apartment,
Sujan Singh Park, Maharshi Raman Marg,
New Delhi, Mobile: 98111-11454

[Signature]
Petitioner(s)/Appellant(s)/
Respondent(s)/Caveator(s).

www.noidagolfcourse.comnoidagolf@hotmail.com

NGC/1988

13.09.2019

To,

Ta Shri Yogender Kumar
Senior Manager (Jal)II Water Works Compound
Sector 37, Noida

Sub: Regarding use of ground water and requirement of Treated STP water by Noida Golf Course (NGC)

Dear Sir,

This is with reference to your letter no. 1428, dated 09.09.2019 regarding use of ground water and usage of treated STP water by NGC.

It is hereby submitted the NGC is drawing ground water for its usage from the pumps installed and maintained by NOIDA for maintaining its golf course.

NGC has not procured NOC from Central Ground Water Authority and is willing to use the Treated STP water for its course maintenance.

The annual/monthly requirement for the NGC course maintenance is as below:

MONTH	JAN	FEB	MAR	APR	MAY	JUN
Liters of water required	500000	600000	800000	800000	1150000	1200000
	JUL	AUG	SEP	OCT	NOV	DEC
Liters of water required	950000	950000	950000	800000	800000	500000

It is requested that necessary directions be passed to the concerned department for supply of STP treated water to NGC at the earliest, NGC will fully cooperate for any action required on our part. Kindly acknowledge and do the needful.

Regards,

Steven Manezes
Secretary

Copy to
President, NGC
Golf Captain, NGC

GOLF COURSE SOCIETY (Regd)
//TRUE TYPED COPY//

20/8/19

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Annexure R- 2

28.11.2019

NGC (Logo)

To,
The Tehsildar,
Dadri,
GB Nagar

Subject: Usage of groundwater/sewage Treated water by Noida Golf Course for irrigation of its course and greenery

Dear Sir,

We are aware of the restrictions for underground water extraction and we have approached the NOIDA Authority for supplying us STP water for irrigating our course.

We have been assured for early solution from NOIDA Authority.

We also assure that required steps will be implemented at the earliest for negating extraction of ground water.

Sd/
Secretary

//TRUE TYPED COPY//

Vishnu
28/11/19

Annexure R- 3
04 March 2020

(Logo)

To
The Regional Director
Central Ground Water Authority
File No.21-4/No NOC/Noida Golf Course/UP/202-579 Ref. Show Cause Notice Dated 20
Feb 2020

Dear Sir,

We are in receipt of your letter dated 20 Feb 2020.

As desired the tube wells at Noida Golf Course have been sealed and the photographs of the same are attached as proof.

Please be informed that Noida Golf Course is availing treated water supply through NOIDA AUTHORITY's main STP unit, located in Sector 50 via integrated internal supply lines of Noida golf Course by way of Integration of supply of Sewage Treated Water discharge points to 4 (four) underground tanks of 10000 Liters located within the premises of NGC.

Hence Noida Golf Course is using only STP water for its all-irrigation purposes.

It is further requested that we have complied to the STP usage for irrigation purposes at our course and are committed to implement all statutory norms in preserving the environment and no complaint be registered against us due to following reasons:

Noida Golf Course established by NOIDA is a no profit & no loss organization, with a limited source of income and also running into losses due to heavy maintenance cost involved, making losses every financial year Noida Golf Course was set up in December 1989 and today it is recognized as a one of the best golf course in India with prime objective of maintaining the golf course infrastructure and is a premium golf course in the NCR and across the nation.

Over the years Noida Golf Course has served the purpose as green destination, creating lung space and major landmarks of Noida city. Noida Golf Course has played a pivotal role in the development of NOIDA & Greater Noida Authority.

The Noida Golf Course is playing its role to boost environmental needs for much needed ecological balance and also it has become centre and shelter for various bird species with great enhancement of Flora & Fauna. Noida Golf Course provides the opportunity for young kids/teens as learners of Golf as a sport for NCR and especially Noida residents.

Sd/
Secretary

Noida Golf Course

//TRUE TYPED COPY//


27/08/25

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Vishnu Sharma <sharmavishnu0818@gmail.com>

Service of Counter Affidavit on behalf of Respondent No. 7 in O.A. No. 15/2020 - Vikrant Tongad vs Union of India & Ors. before National Green Tribunal, New Delhi

1 message

Vishnu Sharma <sharmavishnu0818@gmail.com>

Wed, Aug 27, 2025 at 5:04 PM

To: litigation.life@gmail.com, rkhuranalegal@gmail.com, secy-moef@nic.in, csup@nic.in, chmn-cgwb@nic.in, tschmn-cgwb@nic.in, ms@uppcb.in, noida@noidaauthorityonline.com, dmgbn@nic.in

Dear Sir/Madam,

SERVICE OF COUNTER AFFIDAVIT

This is to inform you that we are serving the Counter Affidavit filed on behalf of **Respondent No. 7- M/S Noida Golf Course Society Original Application No. 15/2020 IN THE MATTER OF: Vikrant Tongad Versus Union of India & Ors. before the National Green Tribunal, New Delhi. Please find the counter affidavit enclosed.**

Case Details:

- **Case Title:** Vikrant Tongad vs Union of India & Ors.
- **Application Number:** O.A. No. 15/2020
- **Forum:** National Green Tribunal, New Delhi

Service Details:

The Counter Affidavit is being served upon:

1. All necessary and proper parties to the Application
2. Mr. Rahul Khurana, Advocate (in connection with O.A. No. 1046/2020 - Mahesh Chandra Saxena vs State of Uttar Pradesh & Ors.)

Regards

VISHNU SHARMA

Advocate-on-Record,

Supreme Court of India,

Off.:109, (LGF), Golf Apartment,

Sujan Singh Park, Maharshi Raman Marg,

Chamber No. 807, E Block, New Additional Building,

Supreme Court of India

New Delhi, Mobile: 98111-11454

**Counter Affidavit on behalf of Respondent No. 7.pdf**

11739K