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**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH FARIDKOT HOUSE, NEW DELHI**

ORIGINAL APPLICATION NO.1155/2024

IN THE MATTER OF:

KAUSHALENDRA KUMARPETITIONER

VERSUS

UNION OF INDIA & ORS.RESPONDENTS

INDEX

| SRL.NO. | PARTICULARS | PAGE NO. |
|----------------|--|-----------------|
| 1. | Counter Affidavit on behalf of Respondent No. 8 (UPSIDA) | 1-7 |

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FILLED BY



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BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL
FARIDKOT HOUSE, NEW DELHI

ORIGINAL APPLICATION NO. 1155 OF 2024

IN THE MATTER OF:

KAUSHALENDRA KUMAR

...PETITIONER

VERSUS

UNION OF INDIA & ORS

...RESPONDENT

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.8

I, Raghunandan Singh Yadav aged about 57 years, S/o Lotishri Babu Ram Yadav

R/o U PSIDA, presently at New Delhi, do hereby solemnly affirm and state on oath and as under:-

1. That the deponent is working as DGM (Civil) in Respondent No.8 organisation and as such is fully acquainted with the facts and circumstances of the case and am duly authorised to swear and file this affidavit.

2. That at the very outset I deny the contents of the present Application in its entirety as if the same are traversed and denied in seriatim unless expressly admitted hereinafter.

3. The Respondent no. 8 further respectfully submits that the averments made in the Synopsis, List of Dates and Application isare wrong and misleading and is liable to be rejected on this ground itself, apart from merits of which the said application is entirely devoid.

PRILIMINARY OBJECTIONS:

1. At the very outset, it is submitted that the applicant has not come with clean hands before this Hon'ble Tribunal as the applicant has filed this application without the knowledge of true and correct facts and as such the application deserves dismissal at the very threshold on the count of misleading the Hon'ble Tribunal.

2. That except what has been specifically admitted herein, the rest of the statements made in the application may be deemed to have denied and repudiated by the answering respondent. The deponent humbly begs to state

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further that the answering respondent does not admit anything which is contrary to the record. Further crave leave of this Honourable Tribunal to file an additional affidavit, if necessary.

REPLY ON MERITS:-

1. That the contents of Para no.1 to the application is a matter of record and warrants no reply from the respondent.
2. That the contents of Para no.2 to the application is a matter of record and warrants no reply from the respondent.
3. That the contents of Para no.3 of the application are wrong, and, hence, vehemently and specifically denied. It is however submitted that the subsequent paras of the response of the respondent may be read as part and parcel to this reply.

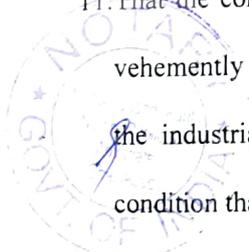
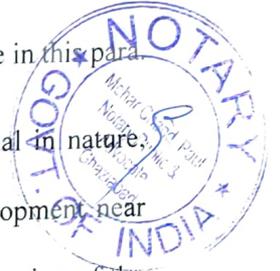
It is further submitted that the Respondent no.8 is responsible for acquiring and developing the land which is vital for industrial growth and development and once it is completed, the same is handed over to the industrial units. It is submitted that the said land in issue had been acquired and developed by respondent no.8 way before 2006-2007 and was subsequently handed over to the industrial units. However, it is pertinent to mention here that the industrial units are allowed to operate in the said area only after obtaining the mandatory NOC from Pollution Control Boards. It is further stated that at all times, the industrial units have to comply by the rules and regulations for the said land and surrounding areas.

4. That the contents of Para no. 4 of the application are wrong, and, hence, vehemently and specifically denied. However, the applicant be put to strict proof for the submissions made in this para.



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5. That the contents of Para 5 of the application requires no response from the respondent.
6. That the contents of Para 6 of the application requires no response from the respondent.
7. That the contents of Para no. 7 of the application are a matter of record and the applicant be put to strict proof for the submissions made in this para.
8. That the contents of Para no. 8 of the application are a factual in nature and thus the applicant be put to strict proof for the submissions made in this para.
9. That the contents of Para no. 9 of the application are a factual in nature, however, the respondent submits that that the industrial development near Mussoorie-Gulawathi Road was done many years prior to preparation of the National Wetland Inventory which was done in 2006-2007. The appropriate authority to verify the contents of this para would be Deputy General Manager (Civil) regarding the period of acquisition and development. It is further submitted that the land belonging to Wet Land has not been acquired by the authority.
10. That the contents of Para no. 10-17 of the application are a factual in nature and thus does not warrant any reply from the respondent.
11. That the contents of Para no. 18 of the application are wrong, and, hence, vehemently and specifically denied. It is further submitted that the units in the industrial sector are permitted by the appropriate authority with the condition that the units shall be operated only after obtaining appropriate and necessary approvals and that the said units will comply with all the conditions imposed upon them.



[Signature]

12. That the contents of Para no. 19 are correct to the extent that at present, there are 966 units that are operational in the Industrial Area of Mussoorie-Gulawathi Road. However, it would be appropriate to verify from Deputy General Manager (Civil) with regards to distance between Hasanpur-Lodha wetland to Mussoorie-Gulawathi Industrial Area. It is further submitted that the applicant be put to strict proof for the submissions made in this para.

13. That the contents of Para no. 20-21 of the application does not concern the respondent and thus warrants no reply,

14. That the contents of Para no. 22 are correct, however, it must be noted that as a matter of rule, all the industrial units have to obtain a no objection from departments like pollution, etc for being operational.

15. That the contents of Para no. 23 of the application are wrong, and, hence, vehemently and specifically denied. It must also be noted that there is no report which corroborate/prove the facts as claimed by the applicant in this para.

16. That the contents of Para no. 24 of the application are wrong, and, hence, vehemently and specifically denied. It must also be noted that there is no report which corroborate/prove the facts as claimed by the applicant in this

para.

17. That the contents of Para no. 25-27 relates to Deputy General Manager, Civil (Construction Block-I) and thus it would be appropriate to verify from the same. It is further submitted that the Waste Water Treatment Plant which is established inside the Industrial Unit is done by the units on their own. The industrial units have to obtain a NOC from the pollution control board and have to abide by all the terms and conditions specified to them. It is further

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submitted that the contents of this para related to the office of pollution control board.

18. That the contents of Para 28 of the application does come under the authority of the respondent and thus warrants no reply.

19. That the contents of Para no.29-30 come within the scope of Deputy General Manager, Civil, Construction Division-I and thus the same is answerable to the contents of this para.

20. That the contents of Para no.31 come within the scope of Deputy General Manager, Civil, Construction Division-I and thus the same is answerable to the contents of this para.

21. That the contents of Para no.32 come within the scope of Deputy General Manager, Civil, Construction Division-I and thus the same is answerable to the contents of this para. It is further submitted that the design of the drainage has been prepared by IIT, Delhi and further new drainage designs have been prepared keeping in mind expansion in future. Thus, after reconstruction, the issues related to overflow and waterlogging with regards to the drainage will be resolved.

22. That the contents of Para no.33 come within the scope of Deputy General Manager, Civil, Construction Division-I and thus the same is answerable to the contents of this para. It is further submitted that IIT, Delhi has conducted a survey to check the level for the drains and nearby areas and that after the reconstruction, any pending issues related to the level of drains will be resolved.

23. That the contents of Para no.34 come within the scope of Deputy General Manager, Civil, Construction Division-I and thus the same is answerable to



the contents of this para. It is further submitted that the monitoring for Hazardous Waste Discharge is done by Pollution Control Board. It is further submitted that the contents of this para related to the pollution control board. It is pertinent to mention here that once the drains are reconstructed, there shall be no issue of discharge seeping in the green belt, park, etc.

24. That the contents of Para 35 of this application is a matter of record and warrants no reply from the respondent.

25. That the contents of Para 36 of this application does not pertain to the department of the respondent and thus warrants no reply.

26. That the contents of Para 37-39 of this application come within the scope of Deputy General Manager, Civil, Construction Division-1 and thus the same is answerable to the contents of this para. It is further submitted that the monitoring for Hazardous Waste Discharge is done by Pollution Control Board

27. That the contents of Para no.40-44 does not fall within the jurisdiction of the respondent and thus warrants no response from the res

28. That the contents of Para 45 of this application relates to Central Ground Water Authority (CGWA)/ Uttar Pradesh Ground Water Department (UPGWD) and thus does not warrant a reply from the respondent.

29. That the contents of Para 46 of this application are factual in nature and thus the applicant be put to strict proof for the submissions made in this para.

30. That the contents of para 47 of the application are wrong, and, hence, vehemently and specifically denied. It is submitted that the report filed by the applicant relates to migratory birds not visiting the lake anymore due to

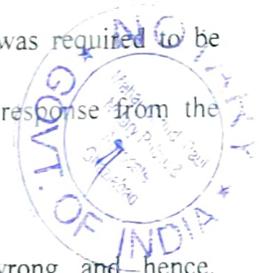


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निर्माण खण्ड-प्रधान
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reasons such as offshoring, untreated water coming from the nearby villages and fishermen bursting crackers to keep birds away from lake.

31. That the contents of para 48 of the application are wrong, and, hence, vehemently and specifically denied. It is further submitted that neither the notice sent did not specify any specific action which was required to be performed by the respondent and nor demanded any response from the respondent.



32. That the contents of para 49 of the application are wrong, and, hence, vehemently and specifically denied.

33. That the contents of Para no. 50 of the application are a factual in nature and thus the applicant be put to strict proof for the submissions made in this para.

REPLY TOTHE MAIN PRAYER

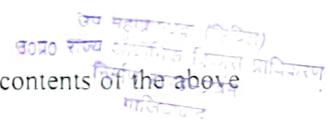
That in the aforesaid facts and submission, prayer of the Applicant does not survive against Respondent no.8 and is liable to be dismissed.

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DEPONENT

VERIFICATION

Verified at New Delhi on ___ day of _____ that the contents of the above paras have been read over and explained to me and I state that the contents thereof are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.



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DEPONENT



ATTESTED
26/5/2025
Mehar Chand Paul
Advocate Notary
Registration No. 13416