

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 15 OF 2021

IN THE MATTER OF:

PRAMOD

...APPELLANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

....RESPONDENTS

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Through:

FILED BY:

ARDHENDUMAULI KUMAR PRASAD
Senior Central Government Standing Counsel
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Date: 25.10.2021

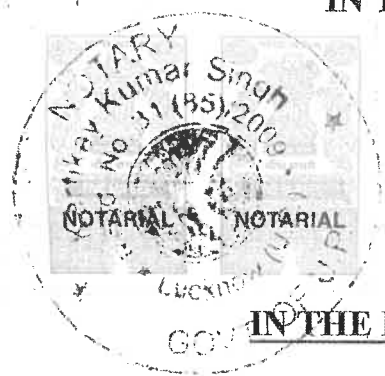
Place: Noida

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

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PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 15 OF 2021



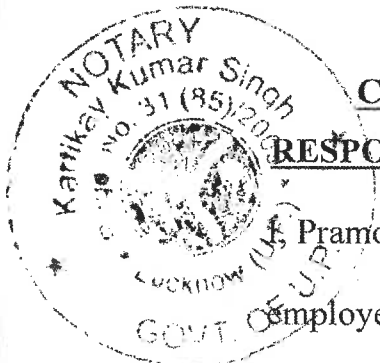
IN THE MATTER OF:

PRAMOD

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VERSUS

STATE OF UTTAR PRADESH & ORS.RESPONDENTS



COUNTER AFFIDAVIT/ REPLY ON BEHALF OF

RESPONDENT NO.9/ CENTRAL GROUND WATER BOARD

Pramod Kumar Tripathi, S/o Late Mukta Prasad Tripathi, Aged 52,
employed as Head of Office, Central Ground Water Board, Northern

Region, functioning at Lucknow, do hereby solemnly affirm and
declare as under:

1. That I am duly authorized and competent to swear this affidavit on behalf of Central Ground Water Board, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, in the above matter.
2. That I have read and understood order passed by the Hon'ble NGT and filing this Counter Affidavit in compliance of direction passed by the Hon'ble Tribunal
3. That the contents of the Appeal that have not been specifically admitted hereunder or are matter of record be deemed denied.
4. That the deponent craves liberty to raise additional submission or

SWORN & VERIFIED

BEFORE ME

Karikay Kumar Singh
Notary Public

arguments.

NOTARY

LUCKNOW (U.P.) INDIA

Date: 22/10/2021

BRIEF SUBMISSIONS:

5. That the appellant under this Appeal sought directions from this Hon'ble Tribunal to Set-Aide Environmental Clearance dated 26.03.2021 issued to Respondent No.8 (Project Proponent/ Private Respondent) permitting river bed sand mining at Village Bartha Korsi along River Yamuna in District Saharanpur; To Stay the impugned Environmental Clearance dated 26.03.2021 issued to the private Respondent and restrict mining activity during pendency of appeal; To direct the project proponent to pay compensation for illegal mining as well as the cost of Appeal to the Appellant and any other relief that the Hon'ble Tribunal may deem fit.

6. It is submitted that no application seeking NOC has been received from M/s Star Mines in CGWA, till SGWA became fully functional.

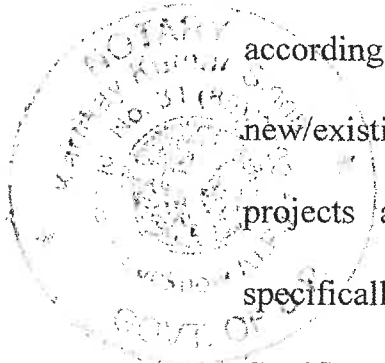
7. It is submitted that according to the CGWA Guidelines dated 24.09.2020, all new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted, will be required to seek No Objection Certificate from Central Ground Water Authority or, the concerned State/ UT Ground Water Authority as the case may be. Now, **Uttar Pradesh State Ground Water Management & Regulatory Authority** has been constituted separately by the State of Uttar Pradesh for the regulation and management of ground water resources and issuing of NOCs for ground water abstraction in the State of Uttar Pradesh, and the said department is completely functional since October, 2020.

SWORN & VERIFIED
 BEFORE ME
 Kamal Kumar Singh
 (Notary)
 NOTARY
 UTTAR PRADESH, INDIA

PARA-WISE REPLY

8. The Contents of Para B are matter of record and does not warrant any reply from the answering respondent.
9. The Contents of Para C (1) to C (2) does not pertain to the answering respondent.
10. In reply to the contents of Para C (3), it is most respectfully submitted that no Application seeking NOC has been received from M/S Star Mines in CGWA. It is further submitted that no Notification dated 23.10.2017 is issued by CGWB stating that mining activities require prior permission of CGWB. However, according to the CGWA Guidelines dated 24.09.2020, all new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted, will be required to seek No Objection Certificate from Central Ground Water Authority or the concerned State/ U.T. Ground Water Authority as the case may be. It is further submitted that Issuing/ Renewal of NOC to the project proponents in the State of Uttar Pradesh is no longer within the purview of CGWA. Permission from CGWA for extraction of ground water by the project proponents is only required where ground water development is not being regulated by the State Government / Union territory administration concerned.

It is further submitted that **Uttar Pradesh State Ground Water Management & Regulatory Authority** has been constituted separately by the State of Uttar Pradesh for the regulation and management of ground water resources and issuing of NOCs for ground water abstraction in the State of Uttar Pradesh, and the said department is completely functional since October, 2020.



Handwritten signature and official stamp of the department, including the text 'NOTARY' and 'U.P. GOVT.'.

11. The content of Para C (4) to C (10) does not pertain to the answering respondent and hence does not warrant any reply.

12. The content of Para D to Para R does not pertain to the answering respondent and hence warrant no reply.

13. The content of Para S (1) to S (30) does not pertain to the answering respondent and does not warrant any reply.

14. In reply to the contents of Para S (31) it is most respectfully submitted that as stated above since the **Uttar Pradesh State Ground Water Authority** is completely functional, mining projects abstracting ground water will be required to seek No Objection Certificate from the concerned State Ground Water Authority.

15. The content of Para S (32) to S (37) does not pertain to the answering respondent and does not warrant any reply.

It is respectfully submitted that the application may kindly be disposed with orders/ directions as deemed fit and proper in the facts and circumstances of this case. The answering respondent may kindly be exempted from personal appearance.

VERIFICATION

Verified at Lucknow on this 22 of October, 2021, that the contents of the above affidavit are true and correct to the best of my knowledge. No. part of it is false and nothing material has been concealed therefrom.

DEPONENT

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

DEPONENT

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

SWORN & VERIFIED
BEFORE ME
Kartavya Kumar Singh
(Advocate)
NOTARY

I know and identify the deponent who
has signed the above affidavit.

VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

Appeal/Original Application No **15** of 2021

IN THE MATTER OF:

PRAMOD

....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENT

KNOW ALL to whom these present shall come that I **Pramod Kumar Tripathi Aged 52 years S/O Late Mukta Prasad Tripathi Working as Head of Office having office at bhujal Bhawan, Sector-B, Sitapur Road Yojana, Lucknow-226021.** The above named do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him:-
 To act, appear and plead in the above-noted case in this Tribunal in which the same may be tried or heard subject to payment of fees by CGWB. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other applications/petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money AND cheques towards compensation, grant receipts thereof and to do all other lawful acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. And I/We the undersigned do hereby agree to ratify and confirm all lawful acts done by the Advocate or his substitute authorized by Tribunal in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

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

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 22 day of October 2021.

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



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



CLIENT

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





Reply (CGWB) Respondent No. 9 : Appeal No. 15 of 2021 Pramod Versus State of Uttar Pradesh & Ors

1 message

Chambers of Mr. Ardhendumauli Kr. Prasad <mail@ardhendumauli.com>

Mon, Oct 25, 2021 at 12:33 PM

To: sharma.ajit@gmail.com, Groundwater Dept <upgwd.in@gmail.com>, singhprofranapatap@gmail.com, saharanpurmo@gmail.com

Sir(s),

Please find attached the reply to be filed on behalf of CBWB (Respondent No. 9) in the above-captioned matter.

Kindly treat this as an effective service.Regards,
Ashish Madaan
Advocate**FOR:****Mr. Ardhendumauli Kumar Prasad**Advocate on Record
Supreme Court of India**Office:**A-52, Sector 17A,
NOIDA - 201301
IndiaPh: +91 120 2488 800
+91 120 2488 801
+91 120 2488 802

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**Reply (CGWB) APL No. 15 of 2021 Pramod Versus State of UP & Ors.pdf**

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