

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 630 OF 2023**

IN THE MATTER OF:

ANAND ARYA

...Applicant

VERSUS

UNION OF INDIA AND ORS.

...Respondents

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Through



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Place:- New Delhi

Dated:- 11.12.2025

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**COMMON REJOINDER TO AFFIDAVITS FILED BY
YAMUNA EXPRESSWAY INDUSTRIAL DEVELOPMENT
AUTHORITY [YEIDA (R-10)] AND DFO NOIDA (R-8)**

I, Anand Arya, aged about 80 Years, S/o Late Shri Mohanlal Arya, R/o 353, Sector 15A, Noida, do hereby solemnly affirm and state on oath as under:

1. That I am Applicant in the above captioned matter and am fully conversant with the facts of the case and am competent to swear the present affidavit.
2. That this common rejoinder is filed to YEIDA's additional submissions dated 29.11.2025, supported by an affidavit and DFO, Gautam Buddha Nagar's affidavit dated 1.12.2025. The deponents of both these documents have made incorrect and misleading statements, attempting to resile from the solemn admissions made earlier in their affidavits. The admissions made earlier are binding and cannot be retracted. YEIDA (R-10) cannot go back on the undertaking given in its earlier Affidavits that there were no objections to the declaration of Dhanauri Wetlands as Ramsar Site.
3. That it is important to point out that YEIDA had filed two Affidavits dated 13.02.2024 and an Additional Affidavit dated 15.03.2024. In the Affidavit dated 13.02.2024, from Para 8 onwards up to Para 16, it was stated that YEIDA has no objection towards notifying the Dhanauri wetland as a Ramsar Site. They, however, expressed their reservations about the bird sanctuary in Paras 35 and 36. In Paras 32

- and 33, they clearly stated that under the Ramsar Convention, the State Government and Central Government through MoEF are the competent authorities and *that YEIDA has no role in the aforementioned notifying process.*
4. That in the second Affidavit dated 15.03.2024, from Page 375 onwards under the heading “*Compliance of Environmental Clearance Conditions*”, YEIDA mentioned about conservation plans prepared by WII and specifically mentioned at Para 14 how declaration of Dhanauri wetlands as Ramsar Site will adequately resolve the issues, and at Para 20, gave unequivocal support for declaring Dhanauri land as Ramsar Site. From Para 25 onwards, the YEIDA again raised their reservations about declaring the land as a bird sanctuary. It is thus clear that YEIDA expressed their unequivocal support for declaring the Dhanauri wetlands as a Ramsar Site.
 5. That the Respondents in the above affidavits have only talked about declaring Dhanauri Wetlands as a Wetland and at the same time have not answered to the directions of this Hon’ble Tribunal to seek an answer when the State is going to recommend to MOEFCC the Proposal, pending with the PCCF, to declare Dhanauri Wetland as a Ramsar Site.
 6. That from the above-stated affidavits and absence of response from the State of U.P. and the proceedings before this Hon’ble Tribunal, it is clearly inferable that all efforts have been made by all the Respondents – particularly the State of Uttar Pradesh, YEIDA and DFO – to obfuscate, confuse and divert attention from the main and core issue of this original application, viz., the implementation of the special condition of the environment clearance that calls for the implementation of the conservation plan for GJIA (the project) about Dhanauri wetlands.

7. That the O.A. involves the issue that Dhanauri, which is a wetland, should be protected by the Ramsar Convention and should be declared as a Bird Sanctuary. As far as the Dhanauri wetlands are concerned, they are protected by the Order of NGT dated 03.03.2013 and the Hon'ble Supreme Court's Orders dated 08.02.2017 and 04.10.2017. There are Orders dated 22.01.2025 and 04.09.2025 passed by the Hon'ble Tribunal wherein the State Government's stand has been noted about notification re: Dhanauri wetlands. The Notification has still not been issued.

8. That the issues regarding the Ramsar Convention and Bird Sanctuary emanate from the letter of MoEF dated 28/29.05.2019 (Page 151) wherein the Principal Secretary, Government of U.P. was requested to take action for declaring Dhanauri wetland as a Ramsar site and also declaring this wetland as a Bird Sanctuary. This direction resulted in the appointment of a Nodal Officer who also prepared a proposal for submission under the Ramsar Convention. But this proposal was lying at the stage of approval with the Principal Chief Conservator of Forest. The MoEF sent several reminders and ultimately filed an Affidavit on 10.01.2024 in NGT stating that no proposal has been received from the State Government by the MoEF for submission under the Ramsar Convention.

9. That meanwhile, Jewar International Airport was granted Environmental Clearance on 09.03.2020, wherein the following specific condition was mentioned:

“Conservation plan for birds and fauna in consultation with Wildlife Institute of India (WII) shall be submitted within six months from grant of this clearance and shall be implemented in letter and spirit.”

10. That as per the said condition, a conservation plan was prepared by the Wildlife Institute of India, which recommended, among others, at Page 130:

“5. Initiate the process of declaring as soon as possible “Dhanauri wetland” as a “Community Reserve” or Wildlife Sanctuary and “Ramsar Site”.

It is clear from the above that declaring the Dhanauri land as a wildlife sanctuary and Ramsar site was part of the Environmental Clearance that was granted, which is binding, among others, under Art.21 of the Constitution.

11. That in this regard, reference to the following orders of the Tribunal is important as it shows how Respondents intentionally delayed the compliance by seeking repeated adjournments even after the Applicant had argued the Application on 05.09.2024:

I. This Hon’ble Tribunal vide Order dated 17.10.2025 had, inter alia, directed as follows:

“1. A letter has been circulated by Counsel for the State of Uttar Pradesh seeking four weeks’ time to place on record the status concerning the issue of making the recommendation for declaring Dhanauri Wetland as Ramsar Site.

2. The Applicant has opposed the adjournment by submitting that the matter is being adjourned repeatedly at the instance of the State. Therefore, the status should be placed on record by the State expeditiously otherwise the authorities should personally appear before the Tribunal.

3. In such circumstances, we accept the prayer for adjournment with a direction to place the status on record within four weeks.”

II. The Counsel for the State of Uttar Pradesh, in the course of the aforesaid hearing, had sought an adjournment on the same ground of obtaining instructions if the State is ready to send the proposal to the MOEF&CC.

- III. That a similar direction was recorded in the earlier Order dated 22.01.2025:

“3. Counsel for the State has submitted that the Board has decided to declare the Dhanauri wetlands as Wetland in terms of Wetland Rules. He seeks four weeks to place on record the relevant notification and also the status of the decision taken by the State authorities in respect of Ramsar site.”

- IV. That in the Order dated 25.09.2024 the Hon’ble Tribunal had directed:

“.....Learned Counsel for the applicant during the course of argument has submitted that proposal for declaring the subject Dhanauri Wetlands as Ramsar site has been prepared by Nodal Officer but it is to be forwarded by the Principal Chief Conservator of Forest (PCCF) of the State to the Ministry of Environment, Forest and Climate Change (MoEF&CC).

3. Learned Counsel for State of Uttar Pradesh (UP) will obtain instructions and be ready on this aspect.”

- V. That it is submitted that till the last scheduled date of hearing, i.e., 02.12.2025 (adjourned to 12.12.2025), the State of Uttar Pradesh failed to file any affidavit as to the “instructions obtained”, whether the State was ready to send the proposal (of declaring Dhanauri Wetlands as Ramsar Site) to MOEF&CC.

12. That the aforesaid act of seeking adjournment purportedly on false grounds and with mala fide intention has substantially delayed the proceedings and adjudication of the matter by this Hon’ble Tribunal. It is tantamount to the non-compliance of the Orders, dated 25.09.2024, 22.01.2025 and 17.10.2025, passed by this Hon’ble Tribunal.

13. That the sum and substance of the Environment Clearance and Specific Conditions under the EIA Notification 2006, is binding and has protection under Article 21. Therefore, the Respondents are:

- I. Bound to comply with the Specific Condition, i.e. implement and give effect to the Special Condition V, which states that there shall be a Conservation Plan, and this will be implemented in letter and spirit.
- II. Having once accepted the EC and begun the Construction on the Project, there is really no scope for deviation from the conditions as imposed in the EC, particularly the Special Conditions.
- III. This Hon'ble Tribunal has the Jurisdiction and Power to direct the Project Proponents to comply with this binding special condition.
- IV. The Project Proponents have the necessary powers under the Relevant Statutes to comply with what is detailed as part of the Conservation Plan.



APPLICANT

Through



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(Advocate for the Applicant)

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AFFIDAVIT

I, Anand Arya, S/o. Lt. Sh. Mohan LaL Arya, aged about 80 years, R/o: 353, Sector-15A, Noida, Gautam Budh Nagar (Uttar Pradesh) – 201301, do hereby solemnly affirm states as under;-

1. That I am the Applicant in the above titled Original Application and am conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit,
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

I, IDENTIFIED THE
DEPONENT WHO HAS
SIGNED IN MY PRESENCE

DEPONENT

VERIFICATION

Verified on this 11th December.2025, that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed therefrom.

DEPONENT



ATTESTED

NOTARY PUBLIC