

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
APPEAL NO. 640/2025(WZ)

with
I.A. NO. 890/2025(WZ)

IN THE MATTER OF:
Tasty Bite Eatables Ltd.

... Appellant

VERSUS

Central Ground Water Authority and Anr.

... Respondents

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Respondent No.1 & 2


प्रियंका बी. सोनबरसे / Priyanka B. Sonbarse
वैज्ञानिक-घ / Scientist-D

भारत सरकार / Government of India

FILED BY जल शक्ति मंत्रालय / Ministry of Jal Shakti
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board

Through मध्य क्षेत्र, नागपुर / Central Region, Nagpur

Nagpur
DATED: 22/04/2026


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REPLY ON BEHALF OF RESPONDENTS

I, Priyanka B. Sonbarse, aged about 40, daughter of Bhaurao K. Sonbarse, working as Scientist D at the Central Ground Water Authority, Central Region, Nagpur, do hereby solemnly affirm and state as under:

1. That I am the Nodal officer, CGWA of Respondent No. 2, the Central Ground Water Authority (hereinafter referred to as "CGWA"), and I am duly authorised and competent to swear this affidavit on behalf of both Respondents. I am fully conversant with the facts and circumstances of the present case based on the official records maintained by the Respondent No. 1, and hence am competent to depose thereto.
2. That I have read the contents of the Appeal Memo filed by the Appellant and have understood the purport thereof. The averments made therein, except to the extent that they are matters of record and are specifically admitted herein, are denied as being false, frivolous, and vexatious. The submissions made hereinafter are based on the official records.



PRELIMINARY SUBMISSIONS

3. That the present Appeal is devoid of any merit and is liable to be dismissed at the outset. The impugned communication dated 01.12.2025, which imposes Environmental Compensation (EC) and other charges upon the Appellant, is a just, legal, and reasoned order passed in strict adherence to the prevailing statutory framework, guidelines, and public notices governing the abstraction of groundwater in India.
4. That the Appellant has approached this Hon'ble Tribunal with unclean hands by suppressing and misrepresenting material facts. The Appellant has deliberately attempted to portray itself as a victim of procedural technicalities, whereas, in reality, the Appellant has been a persistent defaulter who has failed to comply with the mandatory conditions for renewal of its No Objection Certificate (NOC) for groundwater abstraction, despite being provided with multiple opportunities and extensions.
5. That the imposition of Environmental Compensation is a direct consequence of the Appellant's own illegal actions, specifically the continued abstraction of groundwater after the expiry of its NOC on 09.06.2021, without making a timely and complete application for renewal. The principle of 'Polluter Pays' is squarely applicable to the present case, and the EC has been calculated in accordance with the Govt. of India, Ministry of Jal Shakti Notified Guidelines dated 24.09.2020 followed by amendment dated 29.03.2023.



REPLY ON MERITS

6. That it is submitted that the factual chronology of events in NOC exposes the Appellant's gross negligence and non-compliance. The facts as per the official record are as follows:

- a) The Appellant was granted an NOC for groundwater abstraction for a quantum of 600 KLD (Kilo Litres per Day), which was valid from 10.06.2019 to 09.06.2021.
- b) The Appellant submitted the renewal application on 05.07.2021; this application was incomplete and was consequently rejected on 25.10.2021 due to the non-submission of mandatory documents, namely the Water Audit Report, Impact Assessment Report, and an affidavit regarding the non-availability of water from a government supply.
- c) The Appellant thereafter remained dormant and only submitted a fresh renewal application on 22.10.2022, after a delay of around a year from the rejection of its first application. This demonstrates a complete disregard for the regulatory regime.

7. That the applicability of certain notifications and public notices is misleading and based on a selective and erroneous interpretation. It is submitted that:

- a. The CGWA, vide Public Notice dated 17.06.2021, extended the timeline for submission of Impact Assessment Reports and Water Audit Reports up to 31.03.2022, with a condition that no EC would be imposed if the reports were submitted within the prescribed time.

A copy of the said Public Notice is annexed herewith as Annexure R-1.

- b. This deadline was further extended up to 30.06.2022 vide Public Notice No. 02/2022 dated 31.03.2022.

A copy of the said Public Notice is annexed herewith as Annexure R-2.

- c. A final extension was granted vide a corrigendum dated 28.04.2022, extending the timeline for submission of the complete application along with the requisite reports until 30.09.2022.



A copy of the said corrigendum is annexed herewith as Annexure R-3.

d. The Appellant failed to avail the benefit of any of these extensions and submitted its application only on 22.10.2022, which was demonstrably after the final deadline of 30.09.2022 had expired. The plea of a "technical error" in depositing fees is a baseless excuse to cover up its own laches and negligence.

8. That the Appellant's failure to apply for renewal before the final deadline of 30.09.2022 squarely attracted the penal provisions of Public Notice No. 10/2022 dated 03.11.2022 and Para 11.0 (vii) of the CGWA Guidelines dated 24.09.2020.

A copy of the said Public Notice is annexed herewith as Annexure R-4.

9. The charges imposed upon and communicated to the Appellant are lawful and have been calculated as per the prescribed formula:

- a) Arrears of GW Charges: For the period 24.09.2020 to 09.06.2021 (231 days), amounting to Rs. 4,15,800/- (231 days x 600 KLD x Rs. 3/KLD).
- b) Environmental Compensation: For illegal extraction of groundwater for the period 10.06.2021 to 21.10.2022 (499 days), amounting to Rs. 1,79,64,000/- (499 days x 600 KLD x Rs. 60/KLD).
- c) Ground Water Charges from 22.10.2022 to 09.06.2024 for 490 KLD (490 KLD*513 days*3) i.e. Rs.7,54,110/-
- d) Extended NOC 10.06.2024 to 09.06.2027 for 490 KLD (advance GW charges 1-year i.e. till 31.12.2025 490 days) Rs.7,20,300/-
- e) Penalty: A total of Rs. 2,50,000/- was imposed, comprising Rs. 1,00,000/- for late submission, Rs. 1,00,000/- for non-installation of a telemetry system for Flow Meter, and Rs. 50,000/- for non-submission of telemetry data.



f) The total revised charge payable by the Appellant, including other groundwater charges, was calculated to be Rs.2,01,04,210/-. After adjusting the amount of Rs. 5,61,600/- already paid by the Appellant, the final outstanding amount is Rs.1,95,42,610/-, which is the amount mentioned in the impugned communication dated 01.12.2025.

10. That the Appellant cannot claim any vested right to the renewal of the NOC.

The grant and renewal of an NOC for groundwater abstraction is subject to strict compliance with NOC conditions and MoJS notified guidelines. The Appellant's conduct of illegally abstracting a significant quantum of groundwater for a prolonged period of nearly 500 days without a valid NOC warrants the stringent action taken by the Respondent No. 1. Any leniency shown to such defaulters would undermine the entire regulatory framework for sustainable groundwater management.

11. That the Appellant's reliance on the one-time relaxation provided in the Public Notice issued by the CGWA is misplaced. The said relaxation was conditional upon the applicants reapplying for the NOC within the stipulated timeframes, which the Appellant failed to do. The exemption from EC was not a blanket waiver but was contingent upon timely and complete compliance, a condition the Appellant patently failed to satisfy.

12. That the entire appeal is an abuse of the process of law, aimed at evading the financial liability incurred due to the Appellant's own illegal actions. The impugned communication is neither arbitrary nor excessive but is a proportionate measure to remedy the environmental damage caused by the unauthorised abstraction of a precious natural resource.

13. That all other averments made in the Appeal Memo which are not specifically traversed herein are denied, and the Appellant is put to the strict proof thereof.



PRAYER

In view of the foregoing facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Dismiss the present Appeal No. 640/2025(WZ) with exemplary costs;
- b) Uphold the impugned communication dated 01.12.2025 issued by Respondent No. 1; and
- c) Pass any other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice and protection of the environment.

[Signature]
22/4/26

Deponent
प्रियंका बी. सोनबरसे / Priyanka B. Sonbarse
वैज्ञानिक-घ / Scientist-D
भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board
मध्य क्षेत्र, नागपुर / Central Region, Nagpur

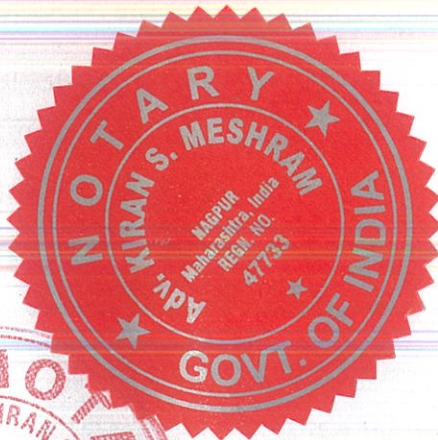
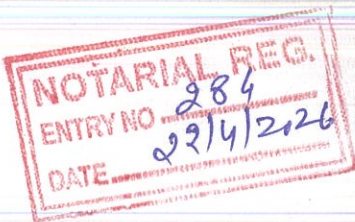
VERIFICATION

Verified at Central Ground Water Board, CR, Nagpur on 22nd day of April, 2026 that the contents of the above affidavit from paragraphs 1 to 13 are true and correct to my knowledge and belief, based on the official records maintained by the Central Ground Water Authority. No part of it is false, and nothing material has been concealed therefrom.

[Signature]
22/4/26

Deponent

प्रियंका बी. सोनबरसे / Priyanka B. Sonbarse
वैज्ञानिक-घ / Scientist-D
भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
केंद्रीय भूमि जल बोर्ड / Central Ground Water Board
मध्य क्षेत्र, नागपुर / Central Region, Nagpur



N.R.S. No. _____
Solemnly Affirmed Before me By
Shri / Smt. ay abane
Who is Identified by
Shri / Smt. self
_____ Advoc. _____
Personally Known
Dt. 22/4/2026

[Signature]
K. S. Meshram

KIRAN S. MESHARAM
Advocate & Notary
District Nagpur (M.S.)
Govt. of India Reg. No. 47733
Dt. 22/4/2026



Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Ground Water Authority

PUBLIC NOTICE

New Delhi, Dated 17th June, 2021

ATTENTION TO ALL EXISTING GROUND WATER USERS INCLUDING INDUSTRIAL/ INFRASTRUCTURE/ MINING PROJECTS

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification Number S.O. 38(E), dated 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010 of the Government of India in the Ministry of Environment & Forests, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas the Authority has issued 'Guidelines to control and regulate ground water extraction in India' vide notification number 3289(E) dated 24th September, 2020.

And whereas the Authority has issued Public Notice dated 26.10.2020 stating that all existing users, except exempted categories, who have submitted their applications for NOC after 30.06.2020 and before 24.09.2020 shall be liable to pay penalty of Rs. 1 lakh under Section 15 of Environment (Protection) Act, 1986, and those who have applied after 24.09.2020 shall be liable to pay Environmental Compensation (EC) w.e.f. 24.09.2020 till date of submission of application.

And whereas the said Guidelines provide under Section 9 (i) that "Installation of digital water flow meter (conforming to BIS/ IS standards) having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate through the web-portal."

And whereas the Authority has issued Public Notice dated 08.01.2021 stating that any ground water withdrawal without the installation of tamper-proof digital water flow meters and telemetry (wherever applicable) shall be construed as illegal.

And whereas the Authority has issued Public Notices dated 26.10.2020, 08.01.2021 and 27.01.2021 wherein the concerned project proponents were informed to mandatorily submit Impact Assessment Report/ comprehensive Hydro-geological Report/ Water Audit Report by a specified date and the late submission of Impact Assessment Report/ comprehensive Hydro-geological Report were subjected to the payment of Environmental Compensation as per CGWA Guidelines, calculated from 01.01.2021 till the date of submission of the report.

And whereas representations from various industries/ associations/ Infrastructure projects have been received in the Authority due to the outbreak of Corona Virus (COVID-19) and subsequent lockdowns (total or partial) imposed for its control.

IN VIEW OF COVID-19 PANDEMIC, THIS IS TO BRING TO THE NOTICE OF ALL GROUND WATER USERS THAT:

1. Applications for fresh/ renewal of NOC by the existing users which have been rejected on grounds of either non-submission of required documents or non fulfilment of various documents/criteria, shall be given a one-time relaxation. Such applicants from existing users who have re-applied for NOC after 30.06.2020 shall be exempted to pay Environmental Compensation/Penalty till **31.03.2022**. However, they shall be liable to pay the water abstraction/restoration charges w.e.f. 24.09.2020.
2. Exemption of EC shall also be applicable to existing users who have failed to submit application for NOC till 30.06.2020. However, they shall be liable to pay penalty of Rs one lakh. They shall also be liable to pay ground water abstraction/ restoration charges w.e.f. 24.09.2020 or date of its commencement whichever is later.
3. For the submission of Impact Assessment Reports by industries, Comprehensive Hydrogeological reports by Mining Projects and Water Audit Reports, the date is hereby extended upto **31.03.2022**. No Environmental Compensation shall be imposed on such users if the said report is submitted in the prescribed time. The Environmental Compensation already paid by the project proponents shall be adjusted in the Abstraction/restoration Charges of the unit for subsequent years.
4. To reduce the financial burden on the project proponents, the project proponents shall now be required to make a yearly advance payment of the Ground Water Abstraction/Restoration Charges, which would be adjusted in succeeding years based on actual ground water withdrawal, instead of one-time advance payment of Ground Water Abstraction/Restoration Charges for entire NOC period.

5. All the project proponents/users drawing ground water shall be required to mandatorily install tamper-proof Digital Water Flow Meter with/without Telemetry System by **31.03.2022** or as specified in NOC, whichever is later.
6. The applicants/project proponents who are facing the issue of double taxation due to levy of water charges/ cess by States as well as water abstraction/restoration charges by CGWA, may seek reimbursement of water charges/ cess paid to State Governments from CGWA in the subsequent years limited to the water abstraction/restoration charges levied by CGWA.

Member, CGWA

Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Ground Water Authority

PUBLIC NOTICE No. 02/2022
New Delhi, Dated 31.03.2022

**ATTENTION TO ALL GROUND WATER USERS INCLUDING INDUSTRIAL/ INFRASTRUCTURE/
MINING PROJECTS**

Whereas the Authority has issued 'Guidelines to control and regulate ground water extraction in India' vide notification number 3289(E) dated 24th September, 2020.

And whereas the Authority has issued Public Notices dated 26.10.2020, 08.01.2021 and 27.01.2021 wherein the concerned project proponents were informed to mandatorily submit Impact Assessment Report/ comprehensive Hydro-geological Report/ Water Audit Report by a specified date and the late submission of Impact Assessment Report/ comprehensive Hydro-geological Report were subjected to the payment of Environmental Compensation as per CGWA Guidelines, calculated from 01.01.2021 till the date of submission of the report.

And whereas the Authority has issued **Public Notice dated 17.06.2021**, providing last date as 31.03.2022 for submission of Impact Assessment Reports by industries, Comprehensive Hydrogeological reports by Mining Projects and installation of tamper-proof Digital Water Flow Meters with or without telemetry and for an exemption of Environmental Compensation by the existing users who failed to submit application for NOC till 30.06.2020.

THIS IS TO BRING TO THE NOTICE OF ALL GROUND WATER USERS THAT:

1. For the submission of Impact Assessment Reports by industries, Comprehensive Hydrogeological reports by Mining Projects and Water Audit Reports, the date is hereby extended upto **30.06.2022**. No Environmental Compensation shall be imposed on such users if the said report is submitted in the prescribed time. The Environmental Compensation already paid by the project proponents shall be adjusted in the Abstraction/restoration Charges of the unit for subsequent years.
2. All the project proponents/users who have obtained NOC for drawing ground water shall be required to mandatorily install Piezometer and tamper-proof Digital Water Flow Meter with / without Telemetry System as per CGWA Guidelines by 30.06.2022 or as specified in NOC, whichever is later.
3. **Registration of Ground Water Users** – All the existing ground water users are hereby given one-time opportunity to register their ground water withdrawal by paying registration fee of Rs. 10,000 which will be adjusted at the time of submission of the complete Application. Such registered users shall be exempted from payment of Environmental Compensation, if they submit complete application before 30.09.2022, failing which Environmental Compensation shall be levied as per CGWA Guidelines. All other conditions shall remain unchanged.

Member Secretary

CGWA

File No. CGWA-21/6/2020-CGWA
GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES, RD & GR
CENTRAL GROUND WATER AUTHORITY
18/11, Jamnagar House, Man Singh Road, New Delhi

Date: 28.04.2022

CORRIGENDUM

Sub: Public Notice No. 02/2022 dated 31.03.2022 – reg.

In partial modification of this Authority's **Public Notice No. 02/2022 dated 31.03.2022**, the following revision is hereby made-

1. For Paragraph 3, the following paragraph shall be substituted namely:

“Registration of Ground Water Users – All the existing ground water users are hereby given one-time opportunity to register their ground water withdrawal **by 30.06.2022** by paying registration fee of Rs. 10,000 which will be adjusted at the time of submission of the complete Application. Such registered users shall be exempted from payment of Environmental Compensation, if they submit complete application before 30.09.2022, failing which Environmental Compensation shall be levied as per CGWA Guidelines. All other conditions shall remain unchanged.”

Member Secretary
CGWA

File No. CGWA-NOCA/4/2020-CGWA
Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Ground Water Authority

Public Notice No.10/ 2022
New Delhi, Dated 03.11. 2022

Attention - Ground Water Users from these categories: Industrial/ Infrastructure/ Mining Projects/ Drinking & Domestic Use for Residential Apartments/ Group Housing Societies/ Government Water Supply Agencies in Urban Areas/ Bulk Water Suppliers/ Swimming Pool/ Sport Complex/ Govt Office Building, in the States/UTs of Assam, Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Rajasthan, Sikkim, Tripura, Uttarakhand, Andaman and Nicobar Islands, Dadra & Nagar Haveli and Daman & Diu.

The deadline for submission of Groundwater NOC applications for already existing projects expired on 30.09.2022. Environmental Compensation (EC)/ Late Submission Fee shall to be imposed on Projects that did not apply or did not make efforts to apply by 30.09.2022. EC on entire ground water withdrawal quantum shall be imposed **wef 24.09.2020 or Date of Commencement** of Project (as per application/ other documents like CTE/ CTO/ Mine Plan Approval), whichever is later. **Late Submission Fee of Rs 1,00,000/-** shall also be applicable in all such cases alongside EC. EC and Late Fee as above shall **also be applicable in those cases** where earlier application(s) of firm got rejected and the firm did not apply/ did not make efforts to apply before 30.09.2022.

The above applies only to new applications. **Renewal applications** not submitted timely shall be processed as per **Para 11.0(vii)** of Guidelines dated 24.09.2020.

Member Secretary
CGWA