

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

O.A. No. 16 OF 2025

IN THE MATTER OF-

Kanaiyalal Vijayshankar Rajgor

...Applicant

Versus

Union of India & Ors

...Respondents

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Respondent No. 3 & 5

Through

02-07-25



Gigi C. George Advocate

Standing Counsel (UOI)

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COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 & 5 i.e. CENTRAL GROUND
WATER BOARD AND MINISTRY OF JAL SHAKTIMost Respectfully Showeth:

I, Sh. Biswarup Mohapatra S/o. Sh. Antaryami Mohapatra Aged 48 Years, working as Scientist D in Central Ground Water Board West Central Region having office at Ahmedabad, the deponent herein do hereby solemnly affirm and state on oath as under: -

1. That I am competent to swear the present counter affidavit on behalf of Central Ground Water Board (R-3) and Ministry of Jal Shakti (R-5) (hereinafter referred to as Answering Respondents) and I am aware of the facts and circumstances of the case based on record.
2. That, I have perused the contents of the above captioned O.A. and I am duly authorized to depose by way of the present affidavit.
3. That the Answering Respondents are not replying to the present application in para-wise manner and craves leave to file a detailed affidavit as and when necessary and required by this Hon'ble Tribunal.
4. That the present Original Application No. 16/2025/WZ has been filed by the Applicant praying for issuance of appropriate directions to the Respondents to take immediate action for removal of unauthorized encroachments in the Great Runn of Kutch (GRK) and Little Runn of Kutch (LRK), elimination of all unlawful pits, restoration of the natural flow of the Luni River, and for taking stringent legal action against the violators involved in such illegal activities.
5. That in the instant OA, issues of multiple environmental and regulatory violations including illegal ground water extraction and illegal mining were also raised.



Biswarup Mohapatra

6. That upon considering the allegations made, Hon'ble Tribunal vide order dated 05.02.2025, issued following directions:

"We deem it appropriate to constitute a Joint Committee comprising one member each of the Gujarat Pollution Control Board (GPCB), District Collector, Kutchchh and Central Ground Water Authority/Board and the GPCB shall be the nodal agency of the said Committee, with a direction to visit the site in question and find out as to who are these persons who are allegedly doing illegal digging of pits and creating obstruction in natural flow of river Luni. While visiting the site in question, the Joint Committee shall issue a notice to the applicant, directing him to accompany them during the visit on the date and time to be fixed by the Committee, for indicating the place/s where this activity is going on. The Committee's report shall be submitted to this Tribunal by the GPCB being nodal agency of the Committee, within a period of one month, by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF".

7. In pursuance to the direction of Hon'ble NGT, a representative of Central Ground Water Authority, along with representatives from the GPCB and local district administrations, visited the sites in question and conducted joint inspections on 14.05.2025.
8. That during an inspection conducted in the vicinity of Santalpur in Patan District, it was observed that a tube well located at geo-coordinates 23.697468, 71.167988 was found to be operational. However, as per the available records, no No Objection Certificate (NOC) has been obtained from the Central Ground Water Authority (CGWA) for the extraction of groundwater through tube wells or borewells at the said location. A photograph of the site depicting the said tube well near Santalpur, District Patan, is annexed herewith and marked as **Annexure-I**.
9. Furthermore, during the inspection carried out near Suigam in Banaskantha District, it was observed that a tube well situated at geo-coordinates 24.039523, 71.289875 was found to be closed and concealed with a cloth covering. However, as per the available records, no No Objection Certificate (NOC) has been obtained from the Central Ground Water Authority (CGWA) for abstraction of groundwater through tube wells or borewells at the said location. A site photograph depicting the tube well near Suigam, District Banaskantha, is annexed herewith and marked as **Annexure-II**.
10. That in accordance with Point No. 13 of the Ministry of Jal Shakti (MoJS) guidelines dated 24.09.2020 and in exercise of the powers conferred under Section 4 of the Environment (Protection) Act, 1986, the Central Ground Water Authority (CGWA) has appointed the District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District/Sub division as Authorized Officers, who have been delegated the power to seal illegal wells, disconnect electricity supply to the energised well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.
11. Accordingly, the Central Ground Water Board (CGWB), West Central Region, vide letter dated 25.06.2025, directed the District Collector of Banaskantha, Gujarat, and

Banaskantha

the District Collector of Patan, Gujarat, to initiate action for sealing all illegal or unauthorized borewells. A copy of the letter is annexed herewith and marked as Annexure-III.

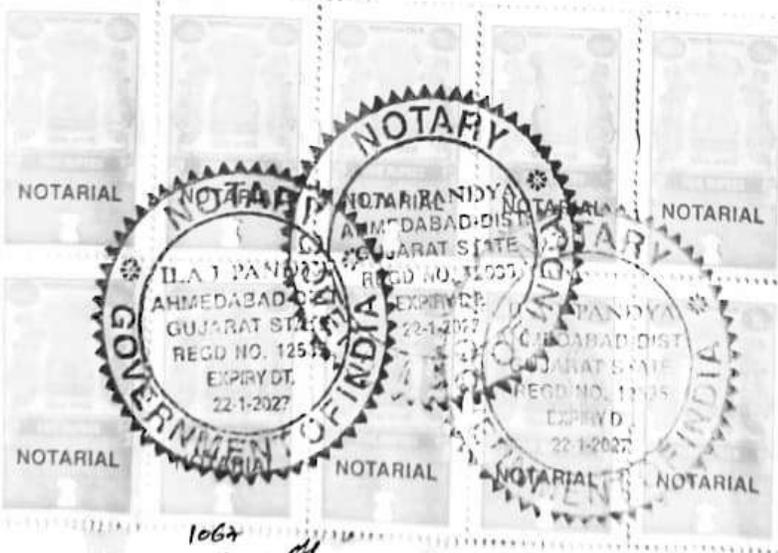
- 12. That the present counter affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.
- 13. That other/ancillary issues raised in the application under reply do not pertain to the answering respondent. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.

Biswarup Mohapatra
 DEPONENT
 (BISWARUP MOHAPATRA)
 Scientist-D.
 CGWB, WCR, Ahmedabad

Verification

I, Biswarup Mohapatra, do hereby verify on 02nd July 2025 at Ahmedabad the contents of the above paragraphs which are true to my own knowledge and/or are in the nature of legal submissions which I believe to be true and no material has been suppressed herewith.

Biswarup Mohapatra
 DEPONENT
 (BISWARUP MOHAPATRA)
 Scientist-D.
 CGWB, WCR, Ahmedabad.



Sr. No. ¹⁰⁶⁷ 1068th 2025

Ila I.
 ILA I. PANDYA
 NOTARY
 GOVT. OF INDIA
 02 JUL 2025

SOLEMNLY AFFIRMED BEFORE ME

Ila I.
 ILA I. PANDYA
 NOTARY
 GOVT. OF INDIA 02 JUL 2025

Annexure-I



Figure 1. Showing tube well near Santalpur, Patan district.

Annexure-II



Figure 2. Showing tube well near Suigam, Banaskantha district.

Annexure-III

કચ્છના પાટણ અને
પાલનપુરના પાટણ
અને બાનસકાંઠાના પાટણ
માં અસહિત કચ્છના પાટણ
અને બાનસકાંઠાના પાટણ
માં અસહિત 61



GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER
RESOURCES, RIVER DEVELOPMENT
AND GANGA REJUVENATION



Central Ground Water Board,
West Central Region,
Opp Chanakvapuri Sector -3
Nr Swastik Bunglows, Part-1
R C Technical Road, Ghatlodiya
Ahmedabad-380001
E-Mail: rdwcr-cgwb@nic.in

File no: CGWA/WCR/NGT/2025-26 622

Dated: 25.06.2025

25 JUN 2025

To,
The District Collector
District Collector Office,
Jilla Seva Sadan, Jorawar Palace Compound,
Palanpur, Banaskantha,
Gujarat - 385001

Sub: - Sealing of unauthorized bore well Near to Suigam, Dist- Banaskantha

References: 1. Site Inspection by joint committee as per Hon'ble NGT, WZ order 5th February 2025 (OA No.16 OF 2025, WZ)

Sir,

In reference to above, representative of Central Ground Water Authority, along with representatives from the GPCB and local district administrations, visited the sites along Luni River regarding the illegal encroachment in Great Rann of Kachchh and Lower Rann of Kachchh in Patan and Banaskantha and conducted site inspections on 14.05.2025.

In the Banaskantha district near the Suigam, during inspection it was observed that a tubewell (geo-coordinates-24 039523 71.289875) was found to be closed and covered with cloth. As per the records, no one has obtained a No Objection Certificate from Central Ground Water Authority for the abstraction of groundwater through tube wells in this location.

As per para 13 of the notified guidelines 24.09.2020 published vide Gazette of India, Extraordinary, Part-II-Sec.3(iii), District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District have been delegated the power to seal illegal wells, disconnect electricity supply to the energized well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.

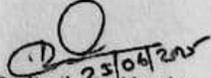
A copy of Order dated 23.10.2017 regarding appointment of District Magistrate/ Deputy Commissioner as the Authorized officer to Monitor Compliance of Directions of Central Groundwater Authority(CGWA) is enclosed herewith for kind perusal.

This is for kind information and further necessary action.

Enclosure:

1. Copy of Hon'ble NGT, WZ order dated 5th February 2025.
2. Copy of Order dated 23.10.2017 regarding appointment of District Magistrate/ Deputy Commissioner as the Authorized officer.

Yours faithfully


(Dr. Ratikafita Nayak)
Regional Director



सर्वोच्च न्यायालय,
पटवर्धन नगर,
महाराष्ट्र शासन, मुंबई-४००००२
टी. ए. नं. १००, पटवर्धन, पार-१
पार. टी. नं. १००, पटवर्धन
पटवर्धन-६१



सर्वोच्च न्यायालय

GOVERNMENT OF INDIA
जय शक्ति मंत्रालय
MINISTRY OF JAL SHAKTI
जल संसाधन, नदी विभाग और जल सहाय विभाग
DEPARTMENT OF WATER
RESOURCES, RIVER DEVELOPMENT
AND GANGA REJUVENATION



Central Ground Water Board,
West Central Region,
Opp Chanakya Park Sector -3
Nr Swastik Bungalows Part-1
R C Technical Road, Ghatloda
Ahmedabad-380061
E-Mail: rcwcr-cgwb@nic.in

File no: CGWA/WCR/NGT/2025-26 621

Dated: 25.06.2025

✓ To,
The District Collector
District Collector Office
Near North Gujarat University,
Patan,
Gujarat - 384265

25 JUN 2025

Sub: - Sealing of unauthorized bore well Near to Santalpur, Dist- Patan

References: 1. Site Inspection by joint committee as per Hon'ble NGT, WZ order 5th February 2025 (OA No.16 OF 2025, WZ)

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In Patan district near the Santalpur, during inspection it was observed that there are ongoing salt pit/pan activities near the Luni River and one tube well (geo-coordinates-23.697468 71.167988) was in operational condition at the inspected location. As per the records, no one has obtained a No Objection Certificate from Central Ground Water Authority for the abstraction of groundwater through tube wells in this location.

As per para 13 of the notified guidelines 24.09.2020 published vide Gazette of India, Extraordinary, Part-II-Sec.3(iii), District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District have been delegated the power to seal illegal wells, disconnect electricity supply to the energized well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.

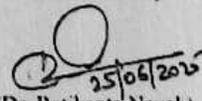
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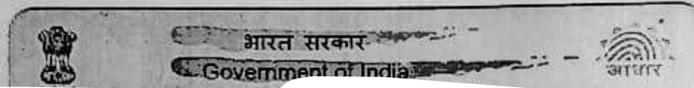
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Yours faithfully


25/06/2025
(Dr. Ratikanta Nayak)
Regional Director



Borayali

VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, Pune/WZ

Original Application No. 16 of 2025

Kanaiyalal Rajgor

Plaintiff
Petitioners

-Versus-

Union of India & Ors.

Defendant
Opposite PartyOn behalf of **Respondent Nos.** 03 and 05

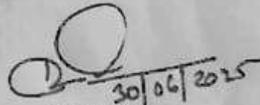
Know all men by these presents that by Vakalatnama I/We appoint the Advocates noted below or any of them my/our lawful Advocate or Advocates for filing **Reply/response in** above matter for appearing in conducting and arguing the same, for depositing or withdrawing any money in connection therewith for moving the Court in any matter connected therewith, for preparing the paper book in the case and for putting in papers petitions etc. on my/our behalf for filing taking back any documents for withdrawing suits or appeals or petitions with permission to institute fresh suits etc. For signing and filing petitions of compromise in connections with said matter and for taking copies of paper form the Record and I/We further say that any act, done by my/one said Advocate or Advocates or by any of them after accepting this Vakalatnama, shall be considered as my/our true and lawful act.

And I/we further hereby agree and undertake to pay the said Advocates his or their fees are settled and all others sums that may be necessary to carry out the requisition of the Court and otherwise to enable the said Advocates to conduct properly. Failing which the said Advocates after notice to me/us will be liberty to withdraw from the further conduct to the case.

IN WITNESS WHERE OF I/We sign and execute this Vakalatnama on this the **Monday** on **30.06.2025**.

NAME OF ADVOCATE :

Gigi C George, Adv
Standing Counsel
Ch. No.336, Lawyers Chamber Block,
Saket District Court, New Delhi
Also at Ch.457, Block-1
Delhi High Court, New Delhi
Enrol No.D1154©/1999
Mob: 9810625315
Email: gigicgeorge.adv42@yahoo.in


30/06/2025
CLIENT

क्षेत्रीय निदेशक/ REGIONAL DIRECTOR
केन्द्रीय भूमिजल बोर्ड/ CENTRAL GROUND WATER BOARD
पश्चिम मध्य क्षेत्र/ WEST CENTRAL REGION
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग
DEPARTMENT OF WATER RESOURCES RIVER DEVELOPMENT & GANGA REGENERATION
जल शक्ति मंत्रालय/ MINISTRY OF JAL SHAKTI
भारत सरकार / GOVERNMENT OF INDIA
अहमदाबाद / AHMEDABAD