

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1002 OF 2018**

IN THE MATTER OF:

ABHISHT KUSUM GUPTA

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

**FINAL SUBMISSIONS ON BEHALF OF THE APPLICANT
PURSUANT TO THE ORDER OF THIS HON'BLE TRIBUNAL
DATED 13.04.2026.**

MOST RESPECTFULLY SHOWETH:

1. Tha the Applicant above-named respectfully submits the following final submissions for the kind consideration of this Hon'ble Tribunal:
2. That despite the Applicant placing on record the geographical coordinates and other material demonstrating the existence of a bridge across the Hindon River bank, the learned counsel appearing for NTPC Dadri denied the existence of such bridge. This issue has already been recorded by this Hon'ble Tribunal in its order dated 12.08.2025 (Paragraph 4).
3. That the denial of an existing structure despite verifiable evidence has unnecessarily delayed the adjudication of the present proceedings and deserves appropriate consideration by this Hon'ble Tribunal.

4. That a Memorandum of Understanding dated 14.06.2018 was executed between NTPC Limited and the New Okhla Industrial Development Authority (Noida Authority) for utilisation of treated sewage water.
5. That however, despite the lapse of more than eight years, the project has not been implemented and NTPC has continued to utilize valuable freshwater resources instead of treated wastewater.
6. That the prolonged inaction defeats the objectives of conservation of freshwater resources, reuse of treated wastewater, sustainable industrial water management and environmental protection. That the Respondents have failed to furnish any satisfactory explanation for this prolonged delay.
7. That the MoU dated 14.06.2018 specifically provided that the feasibility report would be prepared by Uttar Pradesh Jal Nigam. That however, the Respondents have relied upon a feasibility report prepared by M/s Puranik Brothers, without placing on record any amendment to the MoU, any approval of the competent authority, any decision authorising substitution of Uttar Pradesh Jal Nigam or any legal basis permitting such deviation.
8. That the Respondents are therefore liable to explain under whose authority M/s Puranik Brothers was appointed, whether the MoU was amended, why Uttar Pradesh Jal Nigam was bypassed, whether approval of Noida Authority was obtained and whether the complete feasibility report, along with all annexures, has been placed before this Hon'ble Tribunal.

9. That the Respondent No. 12 seeks to justify non-implementation on the ground that capital expenditure is high, operational expenditure is significant, infrastructure is difficult, plant life is limited and electricity tariff may increase.
10. That these submissions should be rejected for the following reasons-
 - A. Firstly, the alleged financial constraints are entirely the consequence of the Respondent's own delay of more than eight years. A party cannot take advantage of its own inaction and thereafter rely upon cost escalation as a defence.
 - B. Secondly, environmental obligations cannot be defeated merely because compliance requires expenditure.
 - C. Thirdly, the feasibility report completely ignores:
 - a) environmental costs of continued extraction of freshwater;
 - b) depletion of natural water resources;
 - c) long-term sustainability benefits;
 - d) national policy promoting reuse of treated wastewater; and
 - e) ecological benefits arising from substitution of freshwater by treated wastewater.
11. That the report appears to evaluate only financial considerations while completely overlooking environmental obligations.
12. That the Respondents have not disclosed the Terms of Reference issued to M/s Puranik Brothers, the methodology adopted, comparative technical options, phased implementation plans, alternative engineering solutions, independent expert review or any

reasons for concluding that the project was unviable. That no material has been produced to establish that all feasible alternatives were examined before abandoning implementation.

13. That the tariff increase is purely speculative. The contention that utilisation of treated wastewater would result in increased electricity tariff is speculative.
14. That no material has been placed on record showing the approval of the Central Electricity Regulatory Commission; tariff impact assessment; cost-benefit analysis; financial modelling; or independent economic evaluation. That such unsupported assertions cannot override environmental obligations.
15. That continued dumping of solid waste around in-situ wetlands That the Applicant had submitted detailed representations dated 30.07.2025 and 10.07.2026 regarding continued dumping of municipal solid waste and construction debris in and around the In-situ Wetlands at Sectors 137 and 49, Noida. The true copies of these representations are marked and annexed collectively as **Annexure A (Colly)**.
16. That despite repeated complaints, no effective action has been taken. That the illegal dumping obstructs functioning of the wetlands. It also damages ecological restoration works and causes pollution through leachate. It also violates the Solid Waste Management Rules, 2016 and defeats the purpose for which the wetlands were established.
17. That the Respondents may therefore be directed to place on record the action taken reports, inspection reports, photographs, removal of waste, preventive measures; and action taken against defaulting agencies.

18. That the present matter is governed by well-established principles of environmental law, namely the Public Trust Doctrine, under which the State holds natural resources in trust for the people. The Precautionary Principle, requiring preventive action to avoid environmental degradation. The Polluter Pays Principle, whereby those responsible for environmental degradation must bear the cost of remediation and the principle of Sustainable Development, requiring judicious use of natural resources and promotion of treated wastewater reuse.
19. That these principles have consistently been recognised by the Hon'ble Supreme Court and this Hon'ble Tribunal and are fully applicable to the facts of the present case.
20. That the Respondents have failed to disclose why the MoU remained unimplemented for more than eight years and why Uttar Pradesh Jal Nigam was replaced. Whether Noida Authority approved such replacement. That why freshwater continued to be used despite the availability of treated wastewater; and what concrete steps, if any, were taken towards implementation after execution of the MoU. These omissions warrant adverse inference against the Respondents.

PRAYER

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

- (a) direct Respondent No. 12 and the concerned authorities to explain the delay of more than eight years in implementation of the MoU dated 14.06.2018;

- (b) direct the Respondents to place on record the complete feasibility report prepared by M/s Puranik Brothers, including all annexures, technical studies, financial analysis, minutes of meetings, approvals and Terms of Reference;
- (c) direct the Respondents to disclose the authority under which M/s Puranik Brothers was appointed in place of Uttar Pradesh Jal Nigam and place on record any amendment to the MoU authorising such substitution;
- (d) reject the plea of cost escalation and financial burden as a defence for non-implementation of environmental obligations, particularly where such escalation has resulted from prolonged administrative delay;
- (e) direct the Respondents to place on record the action taken on the Applicant's representations dated 30.07.2025 and 10.07.2026 regarding illegal dumping of solid waste in and around the In-situ Wetlands at Sectors 136 and 49, Noida;
- (f) direct immediate removal of all illegally dumped waste from the wetland areas and ensure adequate protection against future dumping;
- (g) direct implementation of the MoU in a time-bound manner, or in the alternative, constitute an independent technical committee comprising representatives of the Central Pollution Control Board, Uttar Pradesh Pollution Control Board, Noida Authority, Uttar Pradesh Jal Nigam (or its successor entity), and independent experts to objectively examine the feasibility of treated wastewater utilisation and submit a report before this Hon'ble Tribunal; and

- (h) pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the interest of environmental protection, conservation of freshwater resources, restoration of wetlands, and effective implementation of the Polluter Pays Principle, Public Trust Doctrine, Precautionary Principle, and Sustainable Development.

**AND FOR THIS ACT OF KINDNESS, THE APPLICANT SHALL,
AS IS DUTY BOUND, EVER PRAY.**

THROUGH



[SUNIL J. MATHEWS/JYOTI CHIB]
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Place: New Delhi
Date: -2026

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AFFIDAVIT

I, Abhisht Kusum Gupta, S/o- P.K. Gupta aged about 46 years, R/o C/O - Flat No. 001, Ground Floor, Tower Euphorbia, Paramount Floraville, Sector 137, Chhaprauli Bangar, Chhaprauli Bengar, Gautam Buddha Nagat, Uttar Pradesh - 201305, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Counsel on behalf of the Applicant in the accompanying application and am well conversant with the facts of the case and am duly competent to swear the present Affidavit.
2. That the accompanying application has been drafted and is being filed by me and the contents of the same are true and correct.
3. That the contents of the accompanying application may be considered as part and parcel of this affidavit and hence, the same are not being repeated herein for the sake of brevity.

DEPONENT



VERIFICATION

Verified at Delhi on this of July, 2026 that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

Attested

PREM PRAKASH
Notary Public
(G. B. Nagar)

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