

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 102/2023

Neeraj Chhachhar & Anr.

Applicant(s)

Versus

Beliram Ashram & Ors.

Respondent(s)

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SUBMITTED BY

COUNSEL FOR RESPONDENTS (PROJECT PROPONENTS)



AKKASH BHADANA, ADVOCATE

OFFICE ADDRESS: J-52, FIRST FLOOR,
SECTOR-10, DLF

FARIDABAD, HARYANA-121006

EMAIL ID: advocateakkashbhadana@gmail.com

MOBILE NO.: 9999912966

Date: 20-02-2024

Place: Faridabad

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JOINT REPLY FILED ON BEHALF OF PROJECT PROPONENTS**NAMELY SH. AJAY KUSHWAHA; SH. DEEPAK KUSHWAH; SH. NIKHIL****KUMAR; SH. NIRDOSH KUMAR & SH. RAJEEV KUMAR**

The respondents most respectfully submit as under: -

1. Preliminary submissions:

- a. That the respondents own a joint ancestral land near Beliram Ashram Flyover and near Harigir Ashram, Kankhal Haridwar, Uttarakhand (hereinafter referred as “**Project Land**”) and the following respondents are cousin brothers who thought to build residential houses for their own use and started constructing house(s) in the year 2021 for the joint family and later on due to excessive construction cost, it was decided to make the Apartments for residential use and commercial use and the said apartments were named as “Ganges View Apartments” near Harigir Ashram, Kankhal Haridwar, Uttarakhand under the name of following persons who are cousin brothers :

- i. Sh. Nikhil Kumar, son of Sh. Yada Ram resident of Imli Mohalla, Lato Wali, Kankhal, Haridwar, Uttarakhand – 249408 having aadhar card no. 4833 7742 8416;
- ii. Sh. Nirdosh Kumar @Nirdosh Kushwaha, son of Shri Gopal Kushwah resident of 157, Mou.latowali Kankhal, Haridwar, Uttarakhand-249408 having aadhar 2578 4468 1990;
- iii. Sh. Deepak Kushwah, son of Ghanshyam resident of House no. 135 Latowali Kankhal, Hariwar, Uttarakhand, 249408 having aadhar card no. 7326 7170 4936;
- iv. Sh. Ajay Kushwaha, son of Ghanshyam Kushwaha resident of House no. 135 Latowali, Kankhal, Haridwar, Uttarakhand, 249408 having Aadhar card no. 6328 4034 0138;
- v. Sh. Rajeev Kumar, son of Yadram, r/o house no. 157 Mohalla-Lato Wali Kankhal, Hariwar, Uttarakhand, 249408 having aadhar card no. 3388 8227 7414;

(Hereinafter referred as “**Project Proponents/respondents**”)

- b. That Project Land is situated at 130 meters away from prohibited zone/flood zone and nearby 330 meters away from middle of river Ganga.
- c. That Project Proponents/respondent applied consolidated consent and authorization (CC&A) under Water Act, Air Act and Authorisation under Hazardous Wastes Rules for a period of 5 years vide application no. 4001288 dated 07-06-2023 and in this regard a provisional consent order was passed where the consent and authorisation was

granted to “Project Proponents/respondents” by the Uttarakhand Pollution Control Board, Regional Office, Roorkee, Irrigation Design Building, Canal Road, Roorkee (Haridwar), Uttarakhand – 247667.

- d. That the said provisional consolidated consent and authorization (CCA) was provisional which is valid upto 30-09-2024 and the copy of the said provisional consent order is attached hereto as **Annexure A** for the kind perusal of Hon’ble Tribunal.
- e. That as there was a major change in the decision from own residential use to building apartments for own use as well as for commercial apartment, hence changes were made in the site construction map and the rooms were converted into shops and the said shops were objected and sealed by the Haridwar-Roorkee Development Authority hereinafter referred as “HRDA”.
- f. That since Nov 2022, no construction work has been carried out at the Project Land by the Project Proponent.
- g. That the Project Proponent is contesting the case with HRDA for the approval of the proposed changes made in the construction site map and for others changes made during construction.
- h. That there is huge sewer line going on below the Project Land and there is no change of disposing and discharging of sewage into the river Ganga.
- i. The Project Proponents are law abiding citizen and they undertake to remain completely law abiding citizens. Also, no pollution has been caused by the Project Proponent.

2. Brief facts of the present matter:

- a. That on the basis of a complaint filed before the Hon'ble National Green Tribunal by one Shri Neeraj Chhachhar, this Hon'ble Tribunal took the cognizance over the said complaint vide its order dated 03-03-2023 where factual report was asked for by this Hon'ble Commission by constituting a joint committee comprising State PCB, NMCG and District Magistrate Haridwar.
- b. That this Hon'ble Tribunal vide its order dated 15-05-2023, observed that *“report dated 15-05-2023 has been submitted which reveals that the construction was being done without obtaining CTE (consent to Establish)/CTO(Consent to Operate) from the Uttarakhand Pollution Control Board. The report also reveal that the construction is not approved by the Haridwar Development Authority and spot in question is only 130 mtrs away from river Ganga.”* And thereby notices were issued to the Beliram Ashram treating it as Project Proponent.
- c. That the Project Proponents through its counsel appeared before this Hon'ble Tribunal on 03-01-2024 and informed this Hon'ble Tribunal that Beliram Ashram is just popular place and it is not a Project Proponent and thereafter the Project Proponents were impleaded as Respondents in this Original Application.
- d. That when the counsel tried to file the reply on 12th Feb, 2024, the same could not be filed as there was no option coming to submit the reply. Also, in this concern, the counsel visited the filing section twice of this Hon'ble Tribunal and manually gave the details of the Project

Proponents, however even on 20th Feb 2024, the option for filing on behalf of respondents/project proponents was not coming hence, the counsel is now requesting (after amendment of the present reply) this Hon'ble Tribunal to submit the reply through hard copy.

3. Reply to the complaint dated 07-09-2022 filed by Shri Neeraj

Chhachhar:

- a. The contents of the aforesaid complaint dated 07-09-2022 are denied, save and except the matter of record, being distorted and incorrect. Nothing shall be deemed to be accepted for want of specific denial.
- b. That the contents of foregoing are incorporated herein and the same have not been repeated in extenso for the sake of brevity.
- c. That it is stated that the Project Proponent never ever discharged any type concrete or debris or any article which creates any type of pollution, into the River Ganga. Hence, the allegations related to creating pollution are false and incorrect.
- d. That the Project Land is out of the prohibited zone/flood zone. Hence, the allegation of being coming into flood zone is also incorrect and denied.
- e. That the Project Land has applied for consolidated consent and authorization (CCA) which has been granted in favour of Project Proponent by Uttarakhand Pollution Control Board and the same is valid upto 30-09-2024 vide ref. No. 17273/UEPPCB/Rourkee RO/Haridwar/CTO/4001288.

- f. That the present complainant is false and incorrect and the same is liable to be dismissed.

4. Prayer:

- a. Dismiss the present complaint filed by Shri Neeraj Chhachhar;
- b. Pass any other order, which this Hon'ble Tribunal may deem fit.

SUBMITTED BY
COUNSEL FOR RESPONDENTS I.E. PROJECT PROPONENTS



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Date: 20-02-2024

Place: Faridabad



Uttarakhand Pollution Control Board

Regional Office, Roorkee,

Irrigation Design Building, Canal Road

Roorkee (Haridwar), Uttarakhand 247667

Provisional Consent Order (CCA)

Application No-4001288 Dated: 07/06/2023

Ref No-17273/UEPPCB/Roorkee RO/Haridwar/CTO/4001288

Valid upto: 30/09/2024

Besides streamlining and simplifying of regulatory regime, Uttarakhand Pollution Control Board has taken initiative in form of introduction of Consolidated Consent and Authorization (CC&A) which provides for a one shot application and clearance of the consents under Water Act, Air Act and Authorization under Hazardous Wastes Rules for a period of 5 years. Consolidated Consent and Authorisation Board issues consolidated consent and Authorization to an industrial unit for operation of plant/carrying out industrial activity specifying following conditions.

Consolidated Consent and Authorisation

In exercise of the power conferred under section-25 of the Water (Prevention and Control of Pollution) Act-1974, under section-21 of the Air (Prevention and Control of Pollution) Act-1981

and Authorization under rule 3(c)& 5(5) of the Hazardous Waste (Management, Handling and Transboundary Movement) Rules, 2008 framed under the E(P) Act-1986.

And whereas Board has received consolidated Application No. (C/O: CCA-Expan) 4001288 and Dated 06/06/2023 for the consolidated consent and authorization (CC&A) of this Board under the provisions / rules of the aforesaid Acts Consent & Authorization is hereby granted as under.

CONSENT AND AUTHORISATION : (under the provisions / rules of the aforesaid environmental acts)

To

M/s Nikhil Kumar Nirdosh Kushwha Deepak Kushwha Ajay Kushwha Rajveer Kumar

Ganges View Apartment Near Harigir Ashram, Kankhal Haridwar Haridwar

Tehsil: Haridwar

District: Haridwar

Phone No: 9897179949

Consent Order No:

4001288 Expan

Valid upto: 30/09/2024

All Conditions under the AIR ACT-1981 WATER ACT-1974 HAZARDOUS ACT-2008 shall be Applicable to you as mentioned in the detailed Consent Order ***

GENERAL CONDITIONS :-

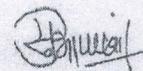
- This order is provisional order and detailed order is considered as final.
- All the conditions & provisions under the Water Act 1974, the Air Act 1981 and the Environment (Protection) Act 1986 and the rules made there under shall be complied with
- All the conditions & provisions under the Hazardous Waste (Management, Handling and Trans boundary Movement) Rules 2008 as amended shall be complied
- The applicant shall provide portholes, ladder, platform etc at chitney(s) for monitoring the air emissions and the same shall be open for inspection to/and for use of Board's staff. The chimney(s) vents attached to various sources of emission shall be designed by numbers such as S-1, S-2, etc. and these shall be painted/ displayed to facilitate identification.
- The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standards in respect of noise to less than 75dB(A) during day time and 70dB(A) during night time. Daytime is reckoned in between 6 a.m. and 10 p.m. and nighttime is reckoned between 10 p.m. and 6 a.m.

This is computer generated order. Signature is not required.

- f) In case of change of ownership/management the name and address of the new owners/ partners/ directors/ proprietor or equipment or working conditions as mentioned in the consents form / order should immediately be intimated to the Board.
- g) Industry shall have to display data outside the main factory gate with regard to quantity and nature of hazardous chemicals being handled in the plant, including waste water and air emissions and solid hazardous wastes generated within the factory premises.
- h) The CCA shall be produced for inspection at the request of an officer authorized by the Uttarakhand Pollution Control Board.
- i) Any unauthorized change in personnel, equipment or working conditions as mentioned in the CCA order by CCA holder shall constitute a breach of this CCA.
- j) Adequate plantation shall be carried out all along the periphery of the industrial premises in such a way that the density of plantation is atleast 1000 trees per acre of land and a green belt of 5 meters width is developed.
- K) The applicant shall have to submit the returns in prescribed form regarding water consumption and shall have to make payment of water cess to the Board under the Water Cess Act- 1977.

***** Note : ACT-Specific, Industry-specific, Area-specific Conditions alongwith Product, Waste water effluent details shall be precisely mentioned in the DETAILED Consent Order.**
***** Note : This is only provisional communication. The final Consent/Authorization in hard copy with duly signed by competent authority shall the final and valid Consent/Authorization.**

For and on behalf of
Uttarakhand Pollution Control Board



RO Roorkee
Sh. Subhash Panwar
Mobile no-9410393545

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 102/2023

In:

NEERAJ CHHACHHAR & ANR.

.....Petitioner/Complainant

VERSUS

Beliram Ashram & Ors.

...Respondent(s)

KNOW ALL to whom these presents shall come that I/We, Ajay Kushwaha, s/o Ghanshyam Kushwaha, r/o House no. 135 Latowali, Kankhal, Haridwar, Uttarakhand, 249408 having Aadhar card no. 6328 4034 0138, the above- named Ajay Kushwaha, do hereby appoint:

ALOK KOTHARI Advocate MA. LL.B. Enrolment no. D/3873/2015 +91-9999261669	VIVEK BANSAL Advocate B.A. LL.B. Enrolment No. D/864/2014 +91-9999900064
AYUSHI SHARMA Advocate Enrolment No. D/6077/2021	GAURAV GUPTA Advocate Enrolment no. P/1329/2012 +91-9810686171
AKKASH BHADANA Advocate LL.M. Enrolment No. D/3057/2015 +91-99999129966	VISHAL CHECHI Advocate LL.M. (UCL, London) Enrolment No. D/3428/2019 +91-9999837533

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Office Address 2: J-52, First Floor, Sector-10, DLF, Faridabad, Haryana-121006

(hereinafter called the Advocates) to be my/our advocates in the above notes case and authorize him/them:

To act, appear and plead in the above-noted case in this Court, or any other Court in which the same is to be tried or heard and also in the appellate court.

To sign, file, verify and present pleadings, replication, appeals, cross-objections, or petitions for execution, review, revisions, restorations, withdrawals, compromise or other petitions, replies, objections 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 withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive money, cheques and grant receipts therefore and to do all other acts or things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred upon the Advocates whenever they may think fit to do so and to sign the Power of Attorney on my/our behalf.

AND I/We the undersigned do hereby agree to ratify & confirm all acts done by the Advocates or their substitutes in the manner as my/our acts, as done by me/us to all intents and purposes.

AND I/We undersigned do hereby agree that in the event of above case being taken up to court, I/We undertake that I/We shall pay extra fees.

AND I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the advocates for appearance, when the case is called.

And I/We the undersigned do hereby agree not to hold the Advocates or their substitute responsible for the result of the said case and also not to hold the Advocates or their substitute responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitute.

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IN WITNESS WHERE OF I/We do hereby set my/our hand to these presents the contents of which have been understood by me/us this 01st day of Feb, 2024.

Accepted subject to the terms of fees.

Chhachhar
Alok
ADVOCATE(S)
Bansal
Chechi
Ayushi

Ajay Kushwaha
CLIENT



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ORIGINAL APPLICATION NO. 102/2023**

In:

NEERAJ CHHACHHAR & ANR.

..... Petitioner/Complainant

VERSUS

Beliram Ashram & Ors.

.... Respondent(s)

KNOW ALL to whom these presents shall come that I/We, Deepak Kushwah, s/o Ghanshyam, r/o House no. 135 Latowali Kankhal, Hariwar, Uttarakhand, 249408 having aadhar card no. 7326 7170 4936, the above- named Deepak Kushwah, do hereby appoint:

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Gaurav Gupta

ADVOCATE(S)

Alok

Chang

Ayushi
Chechi

Deepak Kushwah

CLIENT



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..... Petitioner/Complainant

VERSUS

Beliram Ashram & Ors.

.... Respondent(s)

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Grass
Grass
ADVOCATE(S)

*Alok**Chanchhar**Ayushi*
*Chechi***CLIENT**

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In:

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..... Petitioner/Complainant

VERSUS

Beliram Ashram & Ors.

.... Respondent(s)

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ALOK KOTHARI Advocate MA. LL.B. Enrolment no. D/3873/2015 +91-9999261669	VIVEK BANSAL Advocate B.A. LL.B. Enrolment No. D/864/2014 +91-9999900064
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AND I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the advocates for appearance, when the case is called.

And I/We the undersigned do hereby agree not to hold the Advocates or their substitute responsible for the result of the said case and also not to hold the Advocates or their substitute responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitute.

And I/We the undersigned do hereby agree that in the event of the whole of any part of the fee agreed by me/us to be paid to the Advocates remaining unpaid; they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for adjournment the Advocate shall be entitled to the same. The fee settled is only for the above case and I/We agree that once the fee is paid, I/We will not be entitled to any refund whatsoever and if the case prolongs for more than 2 years, the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereby set my/our hand to these presents the contents of which have been understood by me/us this 01st day of Feb, 2024.
Accepted subject to the terms of fees.

Ganesh Gupta

ADVOCATE(S)

Alex

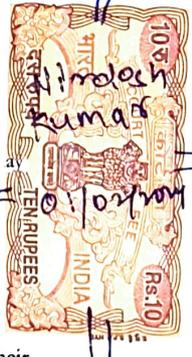
Chanchal

Chechi

Ayushi

Nirdosh Kumar

CLIENT



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 102/2023**

In:

NEERAJ CHHACHHAR & ANR.

..... Petitioner/ Complainant

VERSUS

Beliram Ashram & Ors.

.... Respondent(s)

KNOW ALL to whom these presents shall come that I/We, Rajeev Kumar, s/o Yadram, r/o house no. 157 Mohalla-Lato Wali Kankhal, Hariwar, Uttarakhand, 249408 having aadhar card no. 3388 8227 7414, the above- named Rajeev Kumar, do hereby appoint:

ALOK KOTHARI Advocate MA. LL.B. Enrolment no. D/3873/2015 +91-9999261669	VIVEK BANSAL Advocate B.A. LL.B. Enrolment No. D/864/2014 +91-9999900064
AYUSHI SHARMA Advocate Enrolment No. D/6077/2021	GAURAV GUPTA Advocate Enrolment no. P/1329/2012 +91-9810686171
AKKASH BHADANA Advocate LL.M. Enrolment No. D/3057/2015 +91-99999129966	VISHAL CHECHI Advocate LL.M. (UCL, London) Enrolment No. D/3428/2019 +91-9999837533

Chamber 394, Lawyers Chamber Building, Block-II, Delhi High Court
Office Address 1: Shanti Apartments, Ground Floor, Opposite B4/31, Safdarjung Enclave, New Delhi -110029
Office Address 2: J-52, First Floor, Sector-10, DLF, Faridabad, Haryana-121006

(hereinafter called the Advocates) to be my/our advocates in the above notes case and authorize him/ them:

To act, appear and plead in the above-noted case in this Court, or any other Court in which the same may be tried or heard and also in the appellate court.

To sign, file, verify and present pleadings, replication, appeals, cross-objections, or petitions for execution review, revisions, restorations, withdrawals, compromise or other petitions, replies, objections 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 withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive money, cheques and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred upon the Advocates whenever they may think fit to do so and to sign the Power of Attorney on my/our behalf.

AND I/We the undersigned do hereby agree to ratify & confirm all acts done by the Advocates or their substitutes in the manner as my/our acts, as done by me/us to all intents and purposes.

AND I/We undersigned do hereby agree that in the event of above case being taken up to court, I/We undertake that I/We shall pay extra fees.

AND I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the advocates for appearance, when the case is called.

And I/We the undersigned do hereby agree not to hold the Advocates or their substitute responsible for the result of the said case and also not to hold the Advocates or their substitute responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitute.

And I/We the undersigned do hereby agree that in the event of the whole of any part of the fee agreed by me/us to be paid to the Advocates remaining unpaid; they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for adjournment the Advocate shall be entitled to the same. The fee settled is only for the above case and I/We agree that once the fee is paid, I/We will not be entitled to any refund whatsoever and if the case prolongs for more than 2 years, the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereby set my/our hand to these presents the contents of which have been understood by me/us this 01st day of Feb, 2024.

Accepted subject to the terms of fees.

ADVOCATE(S)

CLIENT

Gaurav Gupta

Alok

Vivek

Akash

Vishal

Ayushi

Rajeev Kumar

