

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH NEW DELHI

Original Application No. 444/2023

IN THE MATTER OF:

PARYAVARAN VIKASH SANGH

...APPLICANT

VERSUS

STATE OF HARYANA & ORS.

...RESPONDENT(S)

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RESPONDENTS

THROUGH

Pallvi Hooda . *Shiv Bhatnagar*
 [PALLVI HOODA, SHIV BHATNAGAR
 KAVYA MANUJA, YUVRAJ NANDAL]

Advocates

D/2759/2020, D/14855/2023,
 PH/377/2021, D/3096/2024

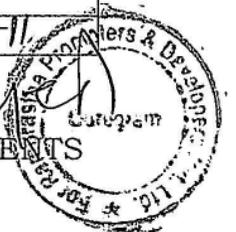
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New Delhi

Filed On : 12.02.2026



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

Original Application No. 444 of 2023

IN THE MATTER OF:

PARYAVARAN VIKASH SANGH

...Applicant

Versus

STATE OF HARYANA & ORS.

...Respondents

**OBJECTIONS TO THE ENQUIRY REPORT DATED
29.06.2025 AND CONSEQUENTIAL ACTION BY HARYANA
WATER RESOURCES AUTHORITY (RESPONDENT NO. 5)**

**ON BEHALF OF RESPONDENT NO. 8 - RAMPRASTHA
PROMOTERS & DEVELOPERS PVT. LTD.**

1. PRELIMINARY OBJECTIONS

At the outset, it is respectfully submitted that the Enquiry Report dated 29.06.2025 submitted by the Haryana Water Resources Authority (HWRA), and the consequential levy of environmental compensation pursuant thereto, are without jurisdiction and contrary to the statutory scheme governing HWRA. There is no provision under the Haryana Water Resources (Conservation, Regulation and Management) Act which empowers HWRA to adjudicate alleged violations or to levy, quantify or recover environmental compensation. In the absence of an express statutory mandate, HWRA could not have assumed adjudicatory powers merely on the basis of directions issued by this Hon'ble Tribunal. It is a settled principle of law that jurisdiction cannot be conferred by judicial direction where



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the parent statute does not vest such power. Consequently, the Enquiry Report and all actions taken pursuant thereto are vitiated at the threshold and are liable to be set aside.

2. **FACTUAL BACKGROUND**

Without prejudice to the aforesaid jurisdictional objection, the answering Respondent reiterates and relies upon its reply dated 28.01.2025 filed to the Joint Committee Report, the contents whereof may be read as part and parcel of the present objections for the sake of brevity. The project of Respondent No. 8 involves construction with three levels of basements, duly sanctioned by the Directorate of Town and Country Planning, Haryana. During the course of excavation, sub-soil water was encountered at a depth of approximately four to five meters below ground level.

The Joint Committee Report itself records that the water encountered at site is highly saline, with Total Dissolved Solids measuring approximately 12,800 mg/l, rendering it entirely unfit for drinking, domestic or construction use. The presence of such saline sub-soil water is a site and region-specific hydrogeological condition and not a consequence of any groundwater abstraction activity undertaken by the answering Respondent.

3. **SEEPAGE MANAGEMENT IS NOT GROUNDWATER EXTRACTION**

It is categorically denied that the answering Respondent has abstracted groundwater at any point in time. No borewell, tubewell or groundwater extraction mechanism exists at the



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project site. The water encountered during excavation was natural sub-soil seepage, which accumulated due to the prevailing hydrogeological conditions. In order to ensure structural safety of the basements and prevent damage to the foundation, the accumulated water was passively collected in sump wells and disposed of through a closed underground pipeline into an existing drain.

Such passive collection and disposal of naturally seeping sub-soil water cannot, in law or in fact, be equated with groundwater abstraction or utilisation. The water was neither used, consumed, stored nor put to any beneficial use. The Joint Committee itself acknowledges that the water is highly saline and unsuitable for any productive purpose. In these circumstances, safe disposal was the only feasible and responsible course of action, and no environmental harm has occurred.

4. **ABSENCE OF ENVIRONMENTAL DAMAGE – FATAL TO LEVY OF COMPENSATION**

Environmental compensation is compensatory and restorative in nature and cannot be imposed in a punitive or presumptive manner. Its imposition necessarily presupposes the existence of identifiable environmental damage, a scientific assessment of such damage, and a demonstrable nexus between the alleged act and the harm caused. In the present case, neither the Joint Committee Report nor the Enquiry Report of HWRA identifies the nature, extent or scope of any environmental damage attributable to the answering Respondent.



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No scientific damage assessment has been undertaken. No degradation of any environmental component has been quantified. No finding has been recorded as to how the answering Respondent's actions have caused harm to groundwater or the environment. In the absence of proven environmental damage, the invocation of the "polluter pays" principle is wholly misconceived. On this ground alone, the levy of environmental compensation is arbitrary and unsustainable.

5. **MECHANICAL ACTION AND NON-APPLICATION OF MIND BY HWRA**

The impugned action of HWRA suffers from complete non-application of mind. HWRA has not conducted any independent site inspection prior to issuing the impugned orders, nor has it undertaken any verification of the factual position explained by the answering Respondent in its replies. The Enquiry Report proceeds mechanically on the basis of earlier material without independently assessing whether any groundwater extraction is taking place or whether any environmental damage has occurred.

Such mechanical reliance, without independent examination or application of mind, is impermissible in law. An authority exercising quasi-adjudicatory functions is required to independently evaluate facts and record reasons. The failure to do so vitiates the entire decision-making process.

6. **VIOLATION OF PRINCIPLES OF NATURAL JUSTICE**

The impugned levy of environmental compensation has been imposed in gross violation of the principles of natural justice.



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The computation of compensation was allegedly undertaken by a "Tariff Committee", without issuance of any show cause notice on the proposed quantum, without disclosure of the formula, parameters or assumptions applied, and without affording the answering Respondent any opportunity to contest the computation.

The answering Respondent was never granted a meaningful hearing on the question of quantum and was served directly with the final demand. The impugned orders are non-speaking, do not disclose the statutory source of power, and fail to set out the basis on which the amount has been determined. Such orders, having serious civil consequences, are legally unsustainable.

7. **WRONG CLASSIFICATION OF AREA AND ERRONEOUS COMPUTATION**

HWRA has proceeded on an erroneous assumption regarding the classification of the project area, without disclosing any supporting data or material. The Enquiry Report does not establish that the area falls within any critical or over-exploited category warranting the application of enhanced rates or multipliers. The computation of environmental compensation is therefore based on incorrect assumptions and undisclosed criteria, resulting in an arbitrary and inflated demand.

The absence of transparency in classification and computation further vitiates the impugned levy.

Ajeet



8. **CONCLUSION**

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In view of the foregoing facts and submissions, it is respectfully submitted that the Enquiry Report dated 29.06.2025 and all consequential actions taken by HWRA are without jurisdiction, unsupported by any finding of environmental damage, vitiated by non-application of mind, and violative of the principles of natural justice. The same therefore deserve to be set aside by this Hon'ble Tribunal in the interest of justice.

Adopt
RESPONDENT NO. 8

THROUGH

Pallvi Hooda
Shiv Bhatnagar
[PALLVI HOODA, SHIV BHATNAGAR
KAVYA MANUJA, YUVRAJ NANDAL]
Kavya Advocates

D/2759/2020, D/14855/2023,
PH/377/2021, D/3096/2024

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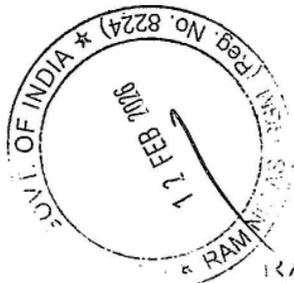
...RESPONDENT(S)

AFFIDAVIT

I, Rajesh Kumar Sharma, s/o. J.C. Sharma C-89, FR-1, Top Floor, Ramprastha Colony Chander Nagar, Ghaziabad, Chander Nagar, Uttar Pradesh do hereby solemnly affirm and state on oath as under:-

1. I say that I am the authorized signatory on behalf of the Respondent No. 8 in the above captioned matter and as such I am competent to execute the present Affidavit. I am conversant with the facts of the case based on the records.
2. I say that I have read the contents of the accompanying Objections to the Enquiry Report of Haryana Water Resources Authority – Respondent No. 5 on behalf of Respondent No. 8 (Ramprastha Promoters & Developers Pvt. Ltd.).
3. I say that the contents of the said Objection to the Enquiry Report of Haryana Water Resources Authority – Respondent No. 5 on behalf of Respondent No. 8 are true and correct to my knowledge as per records. No part of it is false and nothing has been concealed therefrom.

Rajesh
DEPONENT



ATTESTED

RAM NIWAS, ADVOCATE
GHAZIABAD, UTTAR PRADESH

VERIFICATION

8

Verified at Gurugam on this 12th day of February, 2026, that the contents of the above affidavit are true and correct to my knowledge and belief as per record and nothing material has been concealed therefrom.

Ajeet
DEPONENT
For Ramprasad Promoters & Developers Pvt. Ltd.
Gurugram

NOTARY GOVT. OF INDIA
★ RAM NIWAS, GGM. (Reg. No. 8224) ★
12 FEB 2026

ATTESTED
RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (INDIA)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 444 OF 2023

IN THE MATTER OF:-

PARYAVARAN VIKASH SANGH

...APPLICANT

VERSUS

STATE OF HARYANA & ORS.

...RESPONDENTS

VAKLATNAMA

KNOW ALL to whom these present shall come that I/We, Rajesh Kumar Sharma, s/o. J.C. Sharma C-89, FR-1, Top Floor, Ramprastha Colony Chander Nagar, Ghaziabad, Chander Nagar, Uttar Pradesh, having its registered office at having its office Plot 114, Sector-44, Gurugram, Haryana the above named Decree Holder do hereby appoint:

Ms. Pallvi Hooda (D/2759/2020) Mr. Shiv Bhatnagar, advocate (D/14855/2023), Mr. Yuvraj Nandal (D/3096/2024), and Ms. Kavya Manuja, Advocate (PH/377/2021) Tannu (D/4116/2024) (hereinafter called the advocate/s) to be my/our Advocate in the above noted case authorized him/her :-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions 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 admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and grant receipts thereof 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 power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 11th day of February, 2026.

Accepted subject to the terms of fees.

I identify the signature of the Client.

Pallvi Hooda

Ms. Pallvi Hooda
Advocate
D/2759/2020

Shiv Bhatnagar

Mr. Shiv Bhatnagar
Advocate
D/14855/2023

Yuvraj Nandal

Mr. Yuvraj Nandal
Advocate
D/3096/2024

Kavya Manuja

Ms. Kavya Manuja
PH/377/2021

Tannu
TANNU
D/4116/2024
Advocate

Offices at: 10A, Sagar Apartment
6 Tilak Marg,
New Delhi-110001
Mobile No. 88002 31939
Email: pallvi.hooda2@gmail.com

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CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF RAMPRASTHA PROMOTERS AND DEVELOPERS PRIVATE LIMITED BY CIRCULATION PURSUANT TO SECTION 175 OF THE COMPANIES ACT, 2013 AND THE RULE 5 OF THE COMPANIES (MEETING AND ITS POWERS) RULES, 2014

In view of the communication and order dated 23rd April, 2025 in the matter of (OA/444/2023 - Paryavaran Vikash Singh Vs. State of Haryana & Ors.) passed by National Green Tribunal, Principal Bench, New Delhi ("NGT") and for the purpose of complying with the requirements and/or furnishing necessary information, it is necessary to appoint an authorized representative on behalf of the Company.

After due consideration and application of mind, the following resolutions are proposed to be passed by circulation:

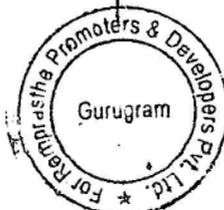
RESOLVED THAT Mr. Rajesh Kumar Sharma (Aadhaar No. 699866596380) S/o J C Sharma R/o C-89, FR-1, Top Floor, Ramprastha colony, Chander Nagar, Ghaziabad-201011 be hereby is authorized to represent, appear, act, sign, verify pleadings, affidavits, vakalatnamas, petitions, applications, appeals, written statements and other documents, and to do all such acts, deeds and things as may be necessary on behalf of the Company in connection with all legal proceedings, suits, writs, complaints, and matters concerning the Company before the Hon'ble Chairperson, Adjudicating Authority ("NGT"), Appellate Authority/ies thereof and any such authority/officer prescribed under "NGT".

RESOLVED FURTHER THAT any one of the Directors of the Company be and is hereby authorised to sign and issue a certified copy of this resolution to the concerned authorities as and when required.

Ba... *...*

RAMPRASTHA

Ramprastha Promoters & Developers (Pvt) Ltd.
Registered Office: 114, Sec-44, Gurugram, Haryana-122002
T: 91-124-4333444, F: 91-124-4333433, www.ramprastha.com
U45400HR2007PTC064534



RESOLVED FURTHER THAT all acts done by above mentioned Authorized Signatory of the company shall be deemed to have been done by the company and the company shall be bound by the same.

FURTHER RESOLVED THAT this resolution, having been circulated to all Directors of the Company as required under Section 175 of the Companies Act, 2013, and approved by majority of them and shall come into effect immediately.

Certified True Copy

For Ramprastha Promoters and Developers Private Limited	
(Director <i>Balraj</i> DIN Date:	(Director <i>Amit Singh</i> DIN Date:





Vijay Kumar <vijay3312@gmail.com>

OA No.444 of 2023 Paryavaran Vikash Sangh Vs SoH & Ors.

1 message

Vijay Kumar <vijay3312@gmail.com>

Thu, Feb 12, 2026 at 6:47 PM

To: rkhuranalegal@gmail.com, advprakashpande@gmail.com, connect@pravartak.com, juris_consult@rediffmail.com,

Consultant Judicial <judicial-ngt@gov.in>

Cc: advprakashpande@gmail.com

Dear Sir,

Please find the OBJECTIONS TO THE ENQUIRY REPORT OF HARYANA WATER RESOURCES AUTHORITY
RESPONDENT NO. 5 ON BEHALF OF RESPONDENT NO. 8 (RAMPRASTHA
PROMOTERS & DEVELOPERS PVT. LTD.) ALONGWITH AFFIDAVIT AND VAKALATNAMA.

VIJAY KUMAR

P.A. to Ms. Pallvi Hooda, Adv.

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Ph. office 011-23070195

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