

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 444 OFN 2023**

IN THE MATTER OF:

PARYAVARAN VIKASH SANGH

....APPLICANT

VERSUS

STATE OF HARYANA & ORS.

....RESPONDENTS

INDEX

S.No.	Particulars	Page No.
1.	OBJECTIONS ON BEHALF OF ACCUSED NO. 7 VS REAL PROJECTS PRIVATE LIMITED (AMB SELFIE SQUARE) TO THE ENQUIRY REPORT DATED 29.06.2025 & COMPLIANCE REPORT DATED 03.07.2025 FILED BY RESPONDENT NO. 5 HWRA, ALONG WITH THE AFFIDAVIT	1-8
2.	Proof Of Service	9

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DATE: 01.09.2025

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**OBJECTIONS ON BEHALF OF ACCUSED NO. 7 VS REAL PROJECTS
PRIVATE LIMITED (AMB SELFIE SQUARE) TO THE ENQUIRY
REPORT DATED 29.06.2025 & COMPLIANCE REPORT DATED 03.07.2025
FILED BY RESPONDENT NO. 5 HWRA, ALONG WITH THE AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. That the company M/s VS Real Projects Pvt. Ltd. is the Respondent No. 7 (hereinafter called the "R-7") in the present Original Application. Based on the available record, R-7 is well conversant with the facts and circumstances of the present case.
2. That R-7 has gone through the contents of the Enquiry Report dated 29.06.2025 & Compliance Report dated 03.07.2025 and the accompanying annexures.

3. That in the aforesaid capacity, R-7 is competent to submit the objections to the said Enquiry Report & Compliance Report filed by R-5 HWRA before this Hon'ble Tribunal .
4. It is submitted that save and except those which are a matter of record, all averments and submissions made by the R-5 in the said Enquiry Report & Compliance Report are vehemently denied by R-7 as if traversed seriatim unless specifically admitted herein and therefore no part of these Objections should be deemed to be an admission for want of specific denial.
5. The present objections on behalf of R-7 to the Enquiry Report & Compliance Report of HWRA are in addition to the reply filed against the OA 444 of 2023 & Joint Committee Report and the contents of the same be read as part and parcel of the present objections and same are not being repeated for sake of brevity.

OBJECTIONS:

A. THERE IS NO EXPRESS PROVISION UNDER HWRA ACT WHICH EMPOWERS HWRA FOR LEVYING ENVIORNMENT COMPENSATION

- It is pertinent to mention that in the entire HWRA Act, there is no provision which empowers the HWRA to impose environment compensation for the alleged violation of the provisions of HWRA Act. Therefore the Order dated 28.04.2025 & 27.06.2025 are not tenable in the eyes of law as the same have been passed by HWRA without any jurisdiction & Power under HWRA Act.
- That HWRA has erroneously relied upon the notification dated 17.03.2022 for the purpose of levying environment compensation as

Section 12(3) of HWRA Act does not empower HWRA to issue such notification.

- That this action of levying Environment Compensation is not in accordance with law as HWRA cannot assume a power which is not mentioned in the Statute from which it derives its existence. HWRA cannot go beyond four corners of the statute which governs all its powers and duties.

B. NGT CANNOT DELEGATE/AUTHORIZE SUCH POWERS TO HWRA WHICH IT IS OTHERWISE NOT EMPOWERED TO EXERCISE UNDER HWRA ACT

- It is pertinent to mention that in absence of any provisions under HWRA Act empowering HWRA to levy the environment compensation, NGT cannot authorize or delegate such power to HWRA. Therefore the order dated 03.10.2024 passed by NGT authorizing HWRA to impose environment compensation is untenable in the eyes of law and should be recalled.
- That Hon'ble High Court of Judicature at Allahabad, Lucknow Bench in the case of *Suez India Pvt. Ltd. Vs. Uttar Pradesh Pollution Control Board & Ors.*, has dealt with this legal issue in detail and adjudicated a batch of 177 petitions wherein it was categorically held that adjudication of the liability for the payment of compensation is a statutory function and when the statute has not conferred this power upon the concerned authority, then this power cannot be conferred on the State Authority by the NGT.

C. HWRA FAILED TO APPRECIATE THAT NO GROUND WATER WAS EXTRACTED BY THE COMPANY AFTER 2016-17

- The Enquiry Report & Compliance Report are contrary to facts and law and hence unsustainable.
- The R-7 got the project approval in 2014 for excavating 3 level basements and it had procured Environmental Clearance and Consent to Establish which was renewed till November 2021.

- HWRA has failed to appreciate that R-7 has not extracted any groundwater post completion of basement excavation in the year 2016-17. The water which is presently being discharged is natural seepage owing to the high-water table of the area, and the same is being managed through sump wells. Thus, no active or deliberate extraction is attributable to R-7.

D. HWRA FAILED TO CONSIDER THAT R-7 HAS NOT CARRIED OUT ANY CONSTRUCTION ACTIVITY SINCE COVID 19

- R-7 has not carried out any construction activity since the onset of COVID-19 in March 2020. The said fact stands fortified by the Joint Committee Report.
- The expiry of the Consent to Establish (CTE) in November 2021 cannot be held against the Petitioner, since there was no construction activity after such expiry, and consequently no question of groundwater usage arises.

E. HWRA FAILED TO APPRECIATE THAT ENVIRONMENT CLEARANCE (EC) OBTAINED BY R-7 IS VALID TILL NOVEMBER 2025 IN TERMS OF THE NOTIFICATION OF THE GOVERNMENT

- It is submitted that R-7 duly availed Environment Clearance (EC) dated 26.11.2014 which was valid for up to 5 years as per the Gazette Notification dated 14.09.2006 and the period of validity of EC was extended from 5 years to 7 years as per Gazette Notification dated 29.04.2015.
- That further as per Gazette Notification dated 18.01.2021 related to Covid-19 after effects, the period from 01.04.2020 to 31.03.2021 was considered as zero period and hence the validity of EC was extended further by one year.

- That as per Gazette Notification dated 12.04.2022 the validity of EC was extended from 7 years to 10 years. Therefore, the Petitioner Company has the Environmental Clearance up to 25.11.2025.
- As far as Consent to Establish (CTE) is concerned, R-7 excavated the basement and extracted the ground water with valid CTE. The company's EC is valid till November 2025 but CTE got expired in November 2021. Company did not apply for renewal of CTE as construction activity got stopped since covid-19 and till date there is no construction activity as recorded by Joint Committee in its report. R-7 is supposed to obtain CTE only before it starts/resumes any construction activity.

F. THE ORDER DATED 28.04.2025 & 27.06.2025 ARE COMPLETELY NON-SPEAKING ORDERS AS HWRA HAS FAILED TO DEMONSTRATE THAT HOW IT HAS CALCULATED THE ALLEGED AMOUNT OF ENVIRONMENT COMPENSATION

- HWRA has applied the formula treating the land as over-exploited area however the subject area falls under "Safe" category as water level is just 3 meter below the surface area.
- HWRA has not disclosed as to how it has calculated the number of days alleging violation of norms by the R-7 company.
- HWRA has not given any opportunity to the R-7 company to put its defence regarding the amount calculated as environmental compensation.
- The notification relied upon by HWRA for calculating Environment Compensation itself seems to be an invalid document as HWRA act does not empower it to issue such notification.

G. HWRA HAS NEITHER CARRIED OUT ANY DAMAGE ASSESSMENT NOR GIVEN ANY OPPORTUNITY FOR ENVIRONMENT RESTORATION

- HWRA has not carried out any damage assessment before imposing compensation on the company. The order is silent about the fact as to how the company has caused damage to the environment especially in view of the fact that the ground water is highly saline and with high TDS levels, it was damaging the land productivity.
 - The orders passed by HWRA are violative of the principles of natural justice. HWRA neither provided any opportunity to the Petitioner Company to present its defence nor conducted any scientific damage assessment before imposing compensation. The Hon'ble Allahabad High Court, Lucknow Bench in ***Suez India Pvt. Ltd. vs UP Pollution Control Board***, observed that that imposition of environmental compensation without a prior scientific damage assessment and opportunity of hearing is unsustainable in law.
 - HWRA did not suggest any measures which the company could adopt for restoring the environment. No opportunity for environmental restoration or adoption of mitigation measures was suggested. HWRA arbitrarily imposed environment compensation against the principles of natural justice.
6. That R-7 has approached Hon'ble High Court of Punjab & Haryana at Chandigarh vide CWP No. 25244/2025 challenging the orders dated 28.04.2025 & 27.06.2025 passed by HWRA being violative of due procedure of law thereby breaching the fundamental rights of R-7. It is pertinent to mention that Hon'ble High Court after detailed hearing has reserved the order on the petition on 28.08.2025. As on date, judgement is not available in public & R-7 undertakes to

furnish the copy of order before this Tribunal as soon as it is being pronounced & published on the website of the High Court.

7. That in view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to set aside the Enquiry Report dated 29.06.2025 & Compliance Report dated 03.07.2025 and the accompanying annexures filed by HWRA & Orders dated 28.04.2025 & 27.06.2025 passed by HWRA, being illegal & arbitrary & devoid of merits.

DRWAN BY

FILLED BY

THROUGH



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...RESPONDENTS

AFFIDAVIT

I, Aakash Aggarwal, S/o Sh. M.S. Aggarwal R/o H. No. 763A, First Floor Block-H, Near Charanjeev Bharti School, Palam Vihar, Gurgaon Choma (62), Gurgaon, Haryana-122017, do hereby solemnly affirm and declare as under:

1. That I am the authorized signatory of the R-7 company and such as well competent to swear this affidavit.
2. That the accompanying Objections on behalf of the Respondent no. 7 has been drafted by my counsel under my instructions, the contents whereof are explained to me in vernacular. I say that the contents of the accompanying Objections are true to my knowledge relating to facts. The contents of the Objections filed may be read as part and parcel of this affidavit.
3. I say the contents of the same are true and correct to my knowledge and no part of the same is false.

Aakash
DEPONENT

Verification

-1 SEP 2025

Verified on ___ day of ___, 2025 that the contents of the above affidavit are true and correct to my knowledge and no part of the same is false.

Aakash
DEPONENT



ATTESTED
[Signature]
NOTARY PUBLIC, DELHI

-1 SEP 2025



I identify that Executant/Deponent has signed before me

[Signature]

1124



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proof of service

anand bisht <aandbisht57@gmail.com>

**ADVANCE SERVICE IN THE MATTER OF PARYAVARAN VIKASH SANGH VS
STATE OF HARYANA & ORS OA NO. 444 OF 2023**

1 message

anand bisht <aandbisht57@gmail.com>
To: advprakashpande@gmail.com

Mon, Sep 1, 2025 at 1:48 AM

DEAR SIR

Please find attached herewith Objection on behalf of Accused no. 7 in O.A NO. 444/2023 in the caption matter
Please treat this email as advance service in compliance with the filing rules.

Warm Regards, ANAND BISHT (CLERK)
C.L.A.P JURIS (Advocates & Solicitors)
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 **ngt objection accuse no. 7.pdf**
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