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BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 836/2024  
(I.A. No. 311/2025)

IN THE MATTER OF:

**SARITA DWIVEDI**

**APPLICANT**

VERSUS

**STATE OF U.P. & ORS.**

**RESPONDENTS**

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**Dated: 15/08/2025**

*Priyanka Swami*

**Filed by**

**Place: New Delhi**

**Priyanka Swami**

**Counsel for Lucknow Municipal**

**Corporation**

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

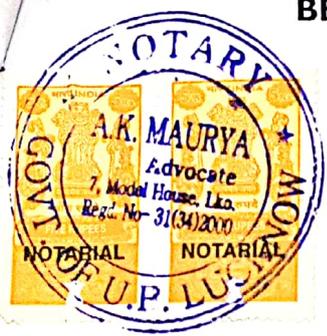
Original Application No. 836/2024

(I.A. No. 311/2025)



Applicant

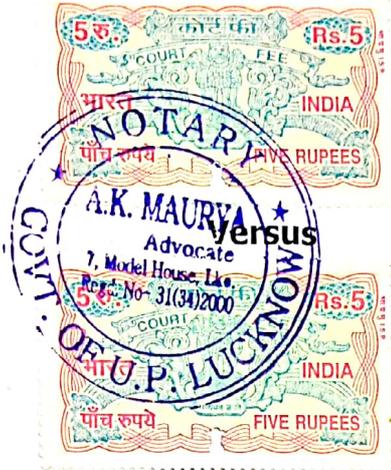
Respondents



In the matter of:

Sarita Dwivedi

State of U.P. & Ors.

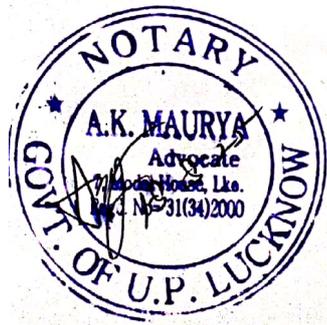


OBEJECTIONS ON BEHALF OF RESPONDENT – LUCKNOW MUNICIPAL CORPORATION

MOST RESPECTFULLY SHOWETH:

1. I, Gaurav Kumar, aged about 33 years, presently posted as Commissioner Municipal Corporation Lucknow U.P., do hereby solemnly affirm and state on oath as under:

2. That the present Reply/Objections are being filed on behalf of Respondent – Lucknow Municipal Corporation (hereinafter "LMC") in compliance with the directions contained in the order dated 04.07.2025 passed by this Hon'ble Tribunal in O.A. No. 836/2024,

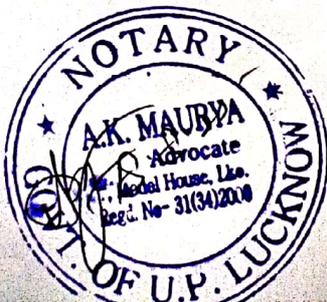


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whereby LMC was directed to file its response to the Joint Committee report dated 03.07.2025 submitted by CPCB/UPPCB.

3. That pursuant to the above, and in continuation of letter No. D/338/PA/25 dated 12.08.2025, LMC conducted a field inspection of the ponds situated at Khasra Nos. 1211, 1250, 1251, 1653 and 1681, village Aurangabad Khalsa, Tehsil Sarojini Nagar, District Lucknow. The status of each pond has been separately recorded and documented with photographic evidence. **True copy of photographs are marked herewith and annexed as Annexure R/1**

4. That the Joint Committee report, as well as the supplementary affidavit of respondent no. 6, claims that the restoration and rejuvenation of all five ponds has been carried out solely by M/s Omaxe Ltd. This statement is factually incorrect and misleading. Restoration works were undertaken under the supervision and monitoring of LMC in coordination with local authorities. Omaxe Ltd. has not produced any evidence of execution of works such as sanctioned work orders, invoices, or technical reports. In *Paryavaran Suraksha Samiti v. Union of India* [(2017) 5 SCC 326], the Hon'ble Supreme Court emphasized that compliance reports must reflect verifiable and bona fide actions, not unsubstantiated claims. The report here fails that test.



*[Handwritten signature]*

5. That the Joint Committee <sup>947</sup> has ignored that LMC issued repeated notices to respondent no. 6 requiring compliance with its environmental obligations. Despite such notices, respondent no. 6 has not submitted any reply. This deliberate omission paints a misleading picture of compliance. In *Meghwal Samaj Shiksha Samiti v. State of Rajasthan* [NGT, OA 175/2015], this Hon'ble Tribunal held that non-disclosure of material facts in inspection reports vitiates their credibility.
6. That the Committee generically records the ponds as "restored and functional" but omits that regular maintenance and monitoring are being carried out by LMC, not respondent no. 6. Public funds and administrative machinery are continuously engaged in upkeep. The Hon'ble NGT in *K.P. Singh v. Union of India* [OA 156/2015] held that "mere one-time restoration is insufficient; continuous rejuvenation and upkeep are mandatory obligations."
7. That the Committee failed to consult independent stakeholders such as local residents, ward officers, or the Corporation. Its conclusions rest disproportionately on the claims of respondent no. 6, making the report one-sided. In *Shailesh Singh v. State of U.P.* [OA 200/2014], this Tribunal stressed that inspection reports must be impartial, evidence-based, and verified through multiple stakeholders.



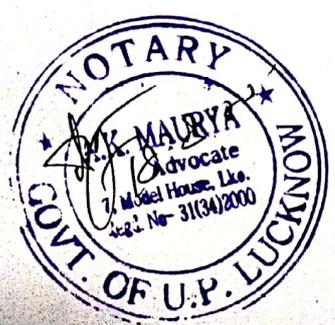
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8. That this Hon'ble Tribunal itself noted (para 7 of order dated 04.07.2025) the discrepancy in the greenbelt requirement for respondent no. 6's project (15% vs. 33%). The Committee has failed to examine this crucial aspect, rendering its findings incomplete. In *Hanuman Laxman Aroskar v. Union of India* [(2019) 15 SCC 401], the Supreme Court reiterated that failure to address statutory environmental conditions in reports amounts to non-application of mind and undermines the rule of law.

**9. Reply to Recommendations**

**A. On Fencing of Demarcated Ponds:**It is respectfully submitted that while fencing around ponds is desirable to prevent encroachment and ensure safety, the ponds in question have not been formally handed over to LMC. Unless ownership, possession, and maintenance responsibilities are duly transferred by the competent authorities, LMC cannot unilaterally undertake fencing or permanent construction.

**B. On Display Boards:**The Committee has recommended that display boards be maintained by LMC. However, this recommendation ignores the fact that Respondent No. 6 has not discharged its statutory obligations towards environmental safeguards. The responsibility to put in place permanent markers and signage vests with the project



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proponent in whose possession/control the land remains, until such time as it is transferred to the Municipal Corporation.

**C. On Rejuvenation of Aquatic Ecosystem:**

The recommendation to "rejuvenate the aquatic ecosystem" is both generic and unsubstantiated. In fact, as already placed on record, LMC has continuously supervised and maintained the ponds using public resources – including plantation, landscaping, water maintenance, and community-use pathways. The claim in the report, as reiterated by Respondent No. 6, that rejuvenation was carried out solely by them, is factually false and unsupported by work orders, invoices, or technical reports. As held in *Paryavaran Suraksha Samiti v. Union of India* [(2017) 5 SCC 326], compliance must be verifiable and bona fide, not based on unsubstantiated assertions. Further, CPCB Guidelines (2019) may be referred, but the Committee has overlooked that these are applicable depending on the size and nature of the water bodies. The present ponds, being relatively small and locally managed, are already rejuvenated and in active community use, including religious functions such as *Chhath Puja* at Khasra No. 1211.

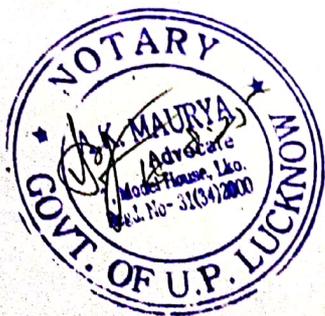


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**D. On Conservation 950 and Protection of Ponds:**

LMC reiterates that it is already engaged in regular maintenance and monitoring of the ponds, contrary to the one-time restoration claim of Respondent No. 6. The Hon'ble NGT in *K.P. Singh v. Union of India* [OA 156/2015] has categorically held that continuous upkeep is mandatory. LMC has been fulfilling this obligation despite not being the formal custodian of the ponds.

10. The recommendations of the Committee appear to be founded primarily on the misleading and self-serving affidavit of Respondent No. 6 (M/s Omaxe Ltd.), who has sought to falsely project itself as the sole restorer of the ponds and has failed to produce any sanctioned work orders, invoices, or technical reports to substantiate its claims.
11. That despite repeated notices issued by LMC, Respondent No. 6 has not responded or complied with its environmental obligations. Such omission amounts to deliberate non-disclosure of material facts, vitiating the credibility of the report (*Meghwal Samaj Shiksha Samiti v. State of Rajasthan*, OA 175/2015, NGT).
12. That the Joint Committee has erred in accepting these bald assertions without independent verification from stakeholders such



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as local residents, ward officers, or the Corporation itself (*Shailesh Singh v. State of U.P.*, OA 200/2014, NGT).

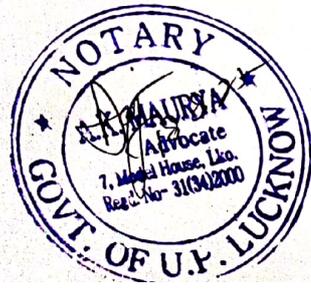
13. That accordingly, it is respectfully submitted that the responsibility for conservation, fencing, display boards, and eco-restoration cannot be foisted on LMC unless the ponds are lawfully handed over, and until such handover, Respondent No. 6 must be held accountable for their protection and rejuvenation.

14. The inspection conducted by LMC establishes that:

- five ponds are demarcated with boundary pillars.
- Water is present in all ponds.
- Plantation and landscaping, including grass and trees, have been undertaken.
- Pathways have been developed for community use.
- Pond at Khasra No. 1211 has been partially developed as *Chhath Puja Sthal* for religious/public functions.

15. The above clearly demonstrates that the ponds are functional and in active public use. The credit for their rejuvenation cannot be falsely attributed to respondent no. 6, as suggested in the Joint Committee report.

16. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to take this affidavit on record and to pass such other order(s) which may be deemed fit and proper.



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DEPONENT

**VERIFICATION:-**

Verified at Lucknow on this 18<sup>th</sup> day of August, 2025. That the contents of the above Affidavit are true and correct to the best of my knowledge and are based on the official records of the Respondent. No part of it is false and nothing material has been concealed therefrom.

  
DEPONENT

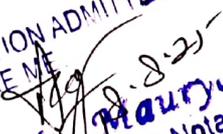
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**Filed by**

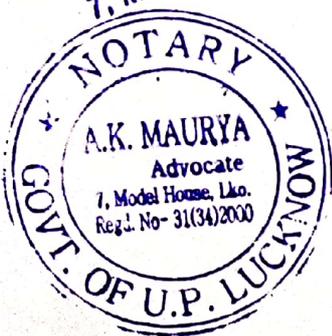
**Place: New Delhi**

**Priyanka Swami**

**Counsel for Lucknow Municipal Corporation**

EXECUTION ADMITTED  
BEFORE ME  
  
**A. K. MAURYA**  
Advocate Notary  
7, Model House, Lucknow

I identify the deponent/executant  
who has signed/put T.I. before me 





**CHANDIGARH** **DRIVING LICENCE**  
 Registration & Licensing Authority

Date Of Birth: 11/10/1992

**GAURAV KUMAR**  
 S/o OMPAL SINGH  
 # 3004

Endorsement Date: 08/09/2011

Date of Issue: 08/09/2011

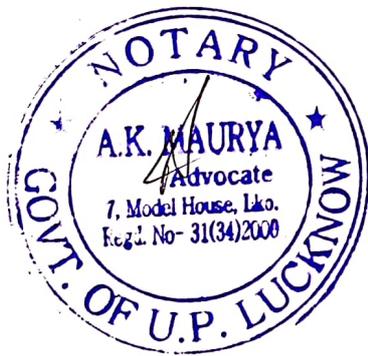
Category: Non Transport : LMV, MCWG

Date of Validity: 07/09/2031

Transport :  
 Blood Group: B+

Holder's Signature: *Gaurav Kumar*

Licensing Authority: *Sanjay Singh*



पत्रांक सं० डी/346/का०/2025

दिनांक 15/08/2025

**पर्यावरण अभियंता,  
नगर निगम लखनऊ।**

**विषय:-** मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-836/2024 सरिता द्विवेदी बनाम स्टेट आफ यू०पी० व अन्य में पारित आदेश दिनांक 04.07.2025 के सम्बन्ध में।

कृपया उपरोक्त विषयक अपने कार्यालय के पत्र संख्या-डी/338/प०अ०/25 दिनांक 12 अगस्त 2025 का संदर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के द्वारा मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-836/2024 सरिता द्विवेदी बनाम स्टेट आफ यू०पी० व अन्य में पारित आदेश दिनांक 04.07.2025 के क्रम में ग्राम-औरंगाबाद खालसा, तहसील-सरोजनी नगर जिला-लखनऊ की खसरा सं० 1211, 1250, 1251, 1653 व 1681 तालाब के खाते में दर्ज भूमि के Restoration and Rejuvenation के सम्बन्ध में मा० एन०जी०टी० में अग्रिम सुनवाई दिनांक 19.08.2025 के पूर्व प्राथमिकता के आधार पर दिनांक 16.08.2025 तक निरीक्षण आख्या श्रीमती प्रियंका स्वामी एडवोकेट मोबाइल नं० 8800656660 स्टेट काउन्सिल ऑफ उ०प्र० को उपलब्ध कराये जाने की अपेक्षा की गयी है।

उक्त के सम्बन्ध में मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-836/2024 सरिता द्विवेदी बनाम स्टेट आफ यू०पी० व अन्य के क्रम में ग्राम-औरंगाबाद खालसा, तहसील-सरोजनी नगर जिला-लखनऊ की खसरा सं० 1211, 1250, 1251, 1653 व 1681 तालाब के खाते में दर्ज भूमि के Restoration and Rejuvenation के सम्बन्ध में स्थलीय निरीक्षण कराया गया जिसके अनुसार आख्या निम्नवत है:-

1. गाटा संख्या-1211 के चारों ओर पिलर लगे हुये है, मौके पर तालाब में पानी है व पाथवे के साथ-साथ स्थल पर आस-पास पौधे भी लगे है, तथा मौके पर तालाब को एक ओर छठ पूजा स्थल के रूप में विकसित किया गया है, जिसकी फोटो ग्राफ संलग्न है।(संलग्नक-01)
2. गाटा संख्या-1250 के चारों ओर पिलर लगे हुये है, मौके पर तालाब में पानी है व पाथवे के साथ-साथ स्थल पर पौधे भी लगे हुये है, जिसकी फोटो ग्राफ संलग्न है।(संलग्नक-02)
3. गाटा संख्या-1251 के चारों ओर पिलर लगे हुये है, मौके पर तालाब में पानी है व पाथवे के साथ-साथ स्थल पर पौधे भी लगे हुये है, जिसकी फोटो ग्राफ संलग्न है।(संलग्नक-03)
4. गाटा संख्या-1653 के चारों ओर पिलर लगे हुये है, स्थल पर पाथवे के साथ-साथ तालाब भूमि का सम्पूर्ण भाग पौधों व घास से आच्छादित है, जिसकी फोटो ग्राफ संलग्न है।(संलग्नक-04)

955

5. गाटा संख्या-1681 के चारों ओर पिलर लगे हुये है, स्थल पर पाथवे के साथ-साथ तालाब भूमि का सम्पूर्ण भाग पौधों व घास से आच्छादित है, जिसकी फोटो ग्राफ संलग्न है।(संलग्नक-05)

अतः उपरोक्तानुसार स्थलीय निरीक्षण आख्या सादर प्रेषित है।

प्रभारी अधिकारी, सम्पत्ति  
नगर निगम लखनऊ।

प्रतिलिपि:-

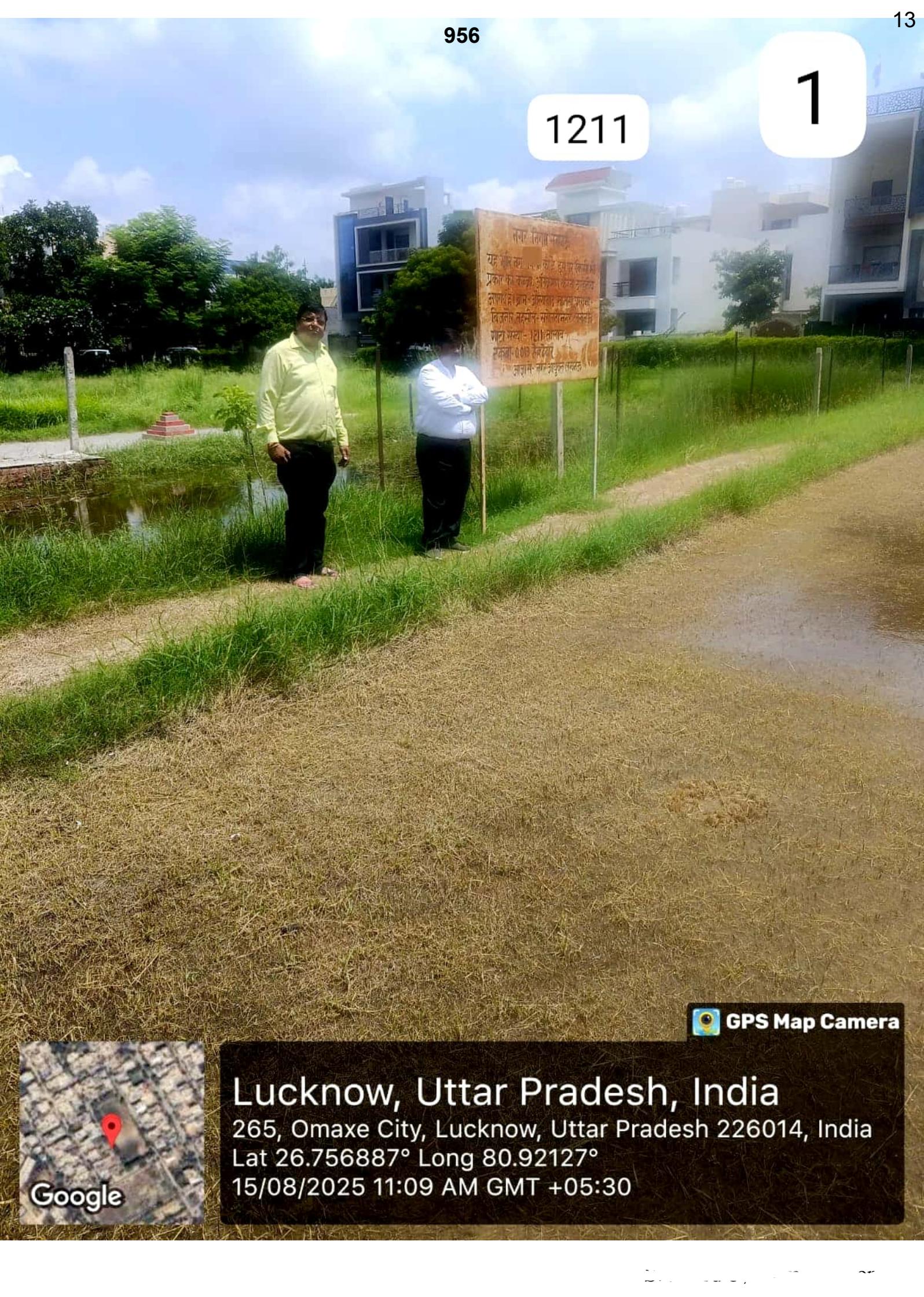
1. नगर आयुक्त, महोदय को सादर अवलोकनार्थ।
2. अपर नगर आयुक्त, महोदय को सूचनार्थ।

प्रभारी अधिकारी, सम्पत्ति  
नगर निगम लखनऊ।

1211

1

सर्वोत्तम मकान  
 यह मकान का निर्माण कांस्ट्रक्शन को  
 प्रकाश के अनुसार और निर्माण कार्य के अनुसार  
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GPS Map Camera

Lucknow, Uttar Pradesh, India

265, Omaxe City, Lucknow, Uttar Pradesh 226014, India

Lat 26.756887° Long 80.92127°

15/08/2025 11:09 AM GMT +05:30



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1250

GPS Map Camera



Lucknow, Uttar Pradesh, India

453, Omaxe City, Lucknow, Uttar Pradesh 226025, India

Lat 26.757992° Long 80.92301°

15/08/2025 11:15 AM GMT +05:30

Google

3



1251

GPS Map Camera

Lucknow, Uttar Pradesh, India

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15/08/2025 11:01 AM GMT +05:30



4

नगर तिगम नखतः  
 यह भाग नगर तिगम की है इस पर किसी भी  
 प्रकार का कच्चा अतिक्रमण करना दण्डनीय  
 अपराध है ग्राम - आंगनावाड का क्षेत्र  
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 गाटा क्रमांक - 1653 (तालाब) - रकबा 1000  
 गाटा क्रमांक - 1681 (तालाब) - रकबा 1000  
 नगरपालिका - नगर आयुक्त कार्यालय

1653

GPS Map Camera

Lucknow, Uttar Pradesh, India

E-1179, E-block, Omaxe City, Lucknow, Uttar Pradesh  
226025, India

Lat 26.754522° Long 80.925573°

15/08/2025 11:23 AM GMT +05:30



5

नगर निगम नखतः  
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 गाटा नख्या - 1681 (तालाब) - रकबा 10000  
 नखत नगर आयुक्त नखत



1681

GPS Map Camera



Lucknow, Uttar Pradesh, India  
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 226025, India  
 Lat 26.754522° Long 80.925573°  
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