

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

INDEX

IN

REJOINDER AFFIDAVIT

On Behalf of

Vipin Nayyar aged around 51 years Son of Shri
Surinder Kumar Nayyar Resident of 108/305 Gali No.
8, Veerbhadra Marg, Rishikesh, District
Dehradun.Original Applicant

IN

ORIGINAL APPLICATION No. 463 of 2022

IN THE MATTER OF:

Vipin Nayyar

.....Applicant

Versus

Union of India & Others

.....Respondents

SL.No.	Particulars	Page No.
1	Index	1 – 2
2	Rejoinder Affidavit	3 – 9

3	<u>Annexure P-1</u> : True copy of the letter dated 27.06.2024 issued by Assistant Engineer Irrigation to respondent no. 5, along with its true typed copy.	10 – 13
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Filed by



Vipin Nayyar

(Applicant in Person)

108/305 Gali No.8 Veerbhadra Marg

Rishikesh-249201, Uttarakhand

Filed on : 21.04.2025

Mobile No. 8006286662

Email : lamadrestones@gmail.com



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ORIGINAL APPLICATION No. 463 of 2022

IN THE MATTER OF:

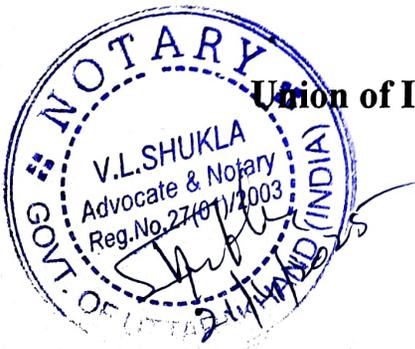
Vipin Nayyar

.....Applicant

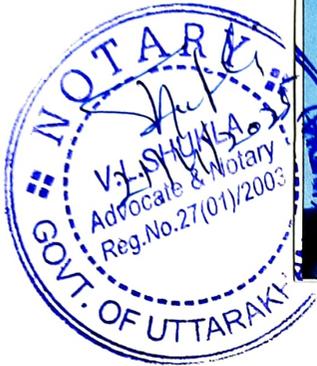
Versus

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.....Respondents



**REJOINDER AFFIDAVIT BY THE ORIGINAL
APPLICANT TO THE SUPPLEMENTARY
AFFIDAVIT FILED BY RESPONDENT NO. 7
RESTAURANT HIDE OUT CAFÉ ON 18.11.2024**



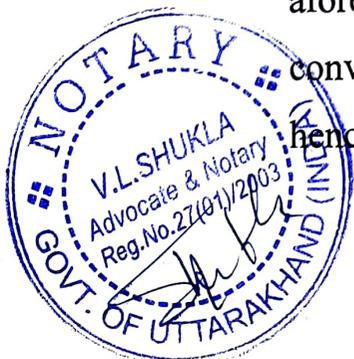
Affidavit of Vipin Nayyar
(Male) aged about 51 years,
son of Shri Surinder Kumar
Nayyar, r/o 108/305 Gali No.8
Veerbhadra Marg, Rishikesh
District Dehradun.

DEPONENT

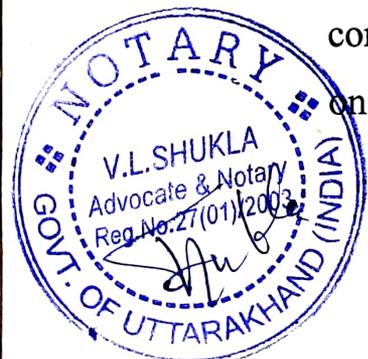
I, the deponent above named do hereby solemnly affirm and state
on oath as under :—

Preliminary Submissions

1. That I, the deponent above named is the applicant in the
aforesaid Original Application and as such he is fully
conversant with the facts and circumstances of the case,
hence competent to swear this Rejoinder Affidavit.

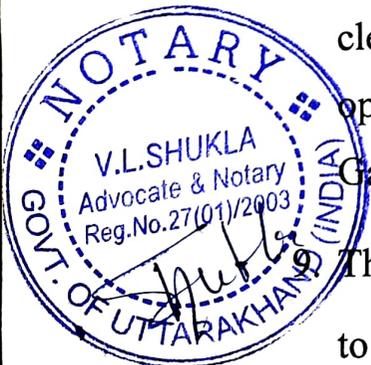


2. That the instant rejoinder affidavit is being filed in response to the supplementary affidavit filed by respondent no. 7 Restaurant Hide Out Café on 18.11.2024 and also to bring on record certain subsequent facts for proper and effective adjudication of the matter.
3. That as a counter blast to the present OA, respondent no. 6 and respondent no. 7 in connivance with advocate Kshitij Gopal Kalra under a criminal conspiracy managed to institute a completely false and fabricated Rape Case and a case under POCSO Act against the applicant and he was in prison at Suddhowala Jail in Dehradun since 24.10.2024 and due to circumstantial compulsions the applicant could not appear before the Hon'ble Tribunal at various dates and could not file his reply in time and for that the applicant bow down before the Hon'ble Tribunal.
4. That respondent no. 6 and respondent no. 7 along with advocate Kshitij Gopal Kalra are continuously extending threats to the applicant and his family and have threatened to make an acid attack on the applicant's daughter.
5. That the applicant was enlarged on bail after the chargesheet was filed but the social life of the applicant has been completely ruined and now he is living under constant threat on his life as well as lives of his family members.



Para wise Reply to Supplementary Affidavit

6. That contents of para no. 1 require no comments.
7. That the contents of para no. 2 are only denied to the extent that respondent no. 7 had already adhered to all the requisite environmental compliances, whereas respondent no. 7 is still operating the restaurant at a mere 9 meters away from the edge of the Holy River Ganga against various orders of the Hon'ble Tribunal.
8. That the contents of para no.3 are wrong and hence denied, the fact is that the property is situated at a mere 9 meters away from the edge of the River Ganga and under duress and pressure the officials from irrigation department have deliberately measured a particular part of the building from the edge of the River Ganga just to avoid 30 meters of no construction zone as per the G.O. No. 1743/V-2/58(आ०)14/2016 Dated 14.12.2016 (annexed at page no.319 and page no. 320 of the main record). The joint inspection report dated 04.08.2022 is already annexed at **page no. 54 to no. 60 (at page no. 56)** of the main record clearly showing that the restaurant Hide Out Cafe is being operated at a mere 9 meters away from the edge of the River Ganga.
- That the contents of para no. 4 are twisted and manipulated to mislead the Hon'ble Tribunal and the relevant fact is



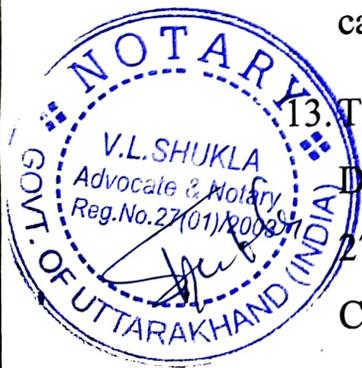
deliberately suppressed that the commercial compounding map no. CC/0021/21-25 to run a commercial business was already rejected by Mussoorie Dehradun Development Authority and the map no. OR/0406/24-25/RE-2 and sanction letter 04.11.2024 annexed at **page no. 696 and page no. 697** are for residential building and not for running a commercial business at the edge of the Holy River Ganga.

10. That the contents of para no. 5 are twisted and manipulated to mislead the Hon'ble Tribunal and the relevant fact is deliberately suppressed that the said property falls under 30 meters of eco-sensitive zone of Holy River Ganga.

11. That the contents of para no. 6, 7, 8 and 9 require no comments.

12. That the contents of para no. 10 are wrong and hence denied, the Original Application moved by the applicant raises serious concerns about commercial activities being done at the edge of the River Ganga in blatant violation of catena of orders of this Hon'ble Tribunal.

13. That the Assistant Engineer Irrigation Department Dehradun has clearly mentioned in his letter dated 27.06.2024 with reference to the Commercial Compounding Map No. CC/0021/21-25 that the property of respondent no. 7 is at a mere 9 meters away from the edge of the Holy River Ganga and subsequently the commercial



compounding map was rejected. True copy of the letter dated 27.06.2024 issued by Assistant Engineer Irrigation is annexed hereto as *Annexure P-1*.

14. That it is most respectfully requested that the Hon'ble Tribunal may kindly take the present rejoinder affidavit along with its annexure on record.

VERIFICATION

I, the deponent above named, do hereby swear, affirm and verify that the contents of paragraph nos. **1, 2, 3, 4, 5, 6, 7, 10, 11, 12 and 14** of this affidavit are true to my personal knowledge in this case; those contents of paragraph nos. **8, 9, and 13** of this affidavit are based on perusal of records of this case; those contents of paragraph no's —NIL— are based on legal advice in this case; which all I believe to be true and that no part of this affidavit is false and nothing material has been concealed.



SO, HELP ME GOD.

A handwritten signature in blue ink, consisting of stylized initials and a surname.

(DEPONENT)

I, Vipin Nayyar S/o Shri Surinder Kumar Nayyar appearing before The Hon'ble National Green Tribunal at New Delhi as party-in-person do hereby certify that I am the Deponent above making this Rejoinder Affidavit and I identify myself through Aadhaar Card No. 4618 0949 9602



Vipin Nayyar
(Party-In-Person)

Solemnly affirmed and sworn before me on this 21st day of April 2025 at about 11:30 AM at Dehradun by the deponent, who has been identified by self through Aadhaar Card No.4618 0949 9602

I have satisfied myself by examining the deponent that the deponent has understood the contents of this Rejoinder Affidavit, which has been read over and explained to him by me.

S.N. 449/2025
This affidavit is sworn before me by
Shri. Vipin Nayyar
who is identified by Shri. self
at Dehradun on 21/4/2025
Smt. Vijay Laxmi Shukla
Advocate & Notary, D. Dur

NOTARY

प्रेषक,

सहायक अभियन्ता-प्रथम
उपखण्ड ऋषिकेश
सिंचाई खण्ड, देहरादून

10

प्रेषित,

सहायक अभियन्ता
मसूरी देहरादून विकास प्राधिकरण
शाखा-कार्यालय, ऋषिकेश

पत्रांक-298 /स०अ०प्र०/सि०ख०दे०

दिनांक-27/08/2024

विषय- श्री नितिन देव, हाईड आउट कैफे, 232/04 गंगा विहार कालोनी, ऋषिकेश द्वारा आवेदित मानचित्र सं० CC/0021/21-25 की गंगा नदी के तट एवं मध्य से दूरी के सम्बन्ध में।

सन्दर्भ- इस कार्यालय का पत्रांक 239/स०अ०प्र०/सि०ख०दे०, दिनांक 27/05/2024।

महोदय,

उपरोक्त विषयक सन्दर्भित पत्र (संलग्न) का अवलोकन करने का कष्ट करें, जिसमें श्री नितिन देव, हाईड आउट कैफे, 232/04 गंगा विहार कालोनी, ऋषिकेश को उनके द्वारा प्रस्तुत किये गये आवेदन के क्रम में इस कार्यालय द्वारा गंगा नदी के मध्य से दूरी की सूचना निर्गत की गयी। आवेदनकर्ता द्वारा अवगत कराया गया कि उनकी सम्पत्ति हाईड आउट कैफे के मानचित्र सं० CC/0021/21-25 की स्वीकृति हेतु मसूरी देहरादून विकास प्राधिकरण के समक्ष आवेदित किया गया है जिसके लिए उनको उक्त मानचित्र स्थल की गंगा नदी के मध्य से दूरी की आवश्यकता है (संलग्न) तदोपरान्त कार्यस्थल के निरीक्षण के क्रम में उपरोक्त सन्दर्भित पत्र के माध्यम से दूरी की सूचना निर्गत की गयी थी।

चूंकि उक्त प्रकरण प्राधिकरण से सम्बन्धित है, अतः इस पत्र के माध्यम से आपके संज्ञान में लाना है कि इस कार्यालय से सम्बन्धित अपर सहायक अभियन्ता द्वारा उपरोक्त मानचित्र स्थल हाईड आउट कैफे के स्थलीय निरीक्षण में पाया गया कि निरीक्षण की तिथि में उक्त कैफे उपजिलाधिकारी महोदया ऋषिकेश के आदेशों के क्रम में सील पाया गया। उक्त सम्पत्ति के आस्था पथ से लगते हुए गेट से मानचित्र स्थल कन्ट्री साईड की ओर कुछ दूरी पर निर्मित है। जिस स्थान से गंगा नदी बह रही है उसको नदी का बहाव क्षेत्र मानते हुए विषयगत भू-भाग की गंगा नदी के तट से हवाई दूरी 09 मी० पायी गयी एवं गंगा नदी के मध्य से 548 मी० हवाई दूरी पायी गयी। उक्त मानचित्र स्थल गंगा नदी के बाढ़ मैदान परिक्षेत्र के प्रतिबन्धित जोन एवं निर्बन्धित जोन से बाहर निर्मित है। उपरोक्त कैफे के मानचित्र का निर्णय सुसंगत शासनादेशों एवं माननीय न्यायालय द्वारा निर्गत आदेशों के अनुपालन में आपके स्तर से ही किया जाना है।

अतः उक्त प्रकरण अग्रिम आवश्यक कार्यवाही हेतु मय संलग्नक आपको प्रेषित है।

संलग्नक- उपरोक्तानुसार।

सहायक अभियन्ता-प्रथम
सिंचाई खण्ड, देहरादून

पत्रांक-298 /अ०अ०/सि०ख०दे०/तटदिनांक।

प्रतिलिपि अधिशासी अभियन्ता, सिंचाई खण्ड, देहरादून को सूचनार्थ प्रेषित।

सहायक अभियन्ता-प्रथम
सिंचाई खण्ड, देहरादून

True Typed & Translated Copy

From - Assistant Engineer-First
Sub Division Rishikesh
Irrigation Division, Dehradun

To - Assistant Engineer
Mussoorie Dehradun Development Authority
Branch Office, Rishikesh

Letter No. 298 / स०अ०प्र० / सि०ख०दे०

Dated 27.06.2024

Subject: Regarding the distance from the bank and middle of River
Ganga for Map No. CC/0021/21-25 applied by Shri Nitin
Dev, Hide Out Café, 232/04 Ganga Vihar Colony, Rishikesh.

Reference— This office's Letter No. 239 / स०अ०प्र० / सि०ख०दे०

Dated 27.05.2024

Sir,

Kindly take note of the above-mentioned letter (attached) in which this office has issued a letter to Mr. Nitin Dev, Hide Out Cafe, 232/04 Ganga Vihar Colony, Rishikesh in connection with the application submitted by him seeking distance from the middle of River Ganga. Distance information was issued from. The applicant informed that an application has been made before Mussoorie Dehradun Development Authority for the approval of Compounding Map No. CC/0021/21-25 of his property Hide Out Cafe, for which he requires the distance of

the said site from the middle of river Ganga. (Attached) Subsequently after the site inspection, the distance information from the middle was issued through the above referred letter.

Since the above matter is related to the authority, it is to be brought to your notice through this letter that the above map location has been hidden by the Additional Assistant Engineer related to this office. During the on-site inspection of the Hide Out café by Additional Assistant Engineer, it was found that on the date of inspection, the said cafe was found sealed as per the orders of the Sub-Divisional Magistrate, Rishikesh. The map site of the said property is situated at some distance from the gate adjacent to Aastha Path towards Countryside. Considering the place from where river Ganga is flowing as the flow area of the river, the aerial distance of the subject area from the bank of river Ganga was found to be 09 meters and the aerial distance from the middle of river Ganga was found to be 548 meters. The above map site is situated outside the prohibited zone and the restricted zone of the flood plain area of river Ganga. The decision regarding the map of the above-mentioned cafe has to be taken at your level only in compliance with the relevant government orders and orders issued by the Hon'ble Court.

Therefore, the above-mentioned matter is sent to you along with the enclosure for further necessary action. Attachments as above.

Sd/-

Assistant Engineer- First
Irrigation Division, Dehradun



Letter No. 298 / स०अ०प्र० / सि०ख०दे०/Dated

Copy sent to Executive Engineer, Irrigation Division, Dehradun for information.

Sd/-

Assistant Engineer-First
Irrigation Division, Dehradun

