

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL JUDGE, NEW DELHI.**

ORIGINAL APPLICATION NO.1357/2024

IN THE MATTER OF :-

RASHI SHARMAAPPLICANT

VERSUS

HARMEET SINGH & ORS. ...RESPONDENTS

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RSW
APPLICANT

DELHI
DATED: 10.07.2025

THROUGH

Applicant herself
COUNSEL

authority for the purpose of construction and is doing illegal cheating of water by digging submersible / borewell.

- C. That the respondent No.1 in his written submissions has filed one Central Ground Water Authority Certificate of Registration of Wells which is not applicable after the notification passed by the Delhi Govt. dated 10.01.2014.
- D. That in the certificate filed by the respondent No.1, the name of the parties in whose name is registration done is Mr. Ishwar Chandra and others of address 43, Banglow Road, Kamla Nagar, Delhi-110007. That Mr. Ishwar Chandra is not stated by the respondent No.1 that who is he and was authority he holds at current address. That the registration before the year 2010, used to be done for domestic purposes where the water supply was very minimum. Now Central Ground Water Authority holds no ground for the registration of submersible / borewell.
- E. That the reply filed by the respondent No.1 does not hold any current bills of water buy for the purpose of construction, no bills with GST, no GST Receipt are filed by the respondent No.1 which shows that the water cheating was not done by the respondent No.1.
- F. That as per the registration certificate filed by the respondent No.1 is only done to mislead the Hon'ble Tribunal with the malafide intention of deviating the Tribunal from the current prospective. That alongwith the certificate no metering report has been filed by the respondent No.1 of the current submersible / borewell that is situated at the

address 43, Bungalow Road, Kamla Nagar, Delhi-110007.

- G. That the respondent No.1 has not purchased any water from the Delhi Jal Board or the MCD for the purpose of huge commercial complex and the owner has started selling the shops in the complex as they have sold one shop to Gym regarding which an advertisement was supplied in the newspaper and without even paying the cost for the water for construction, they have started doing the personal commercial gain.
- H. That the certificate filed by the respondent No.1 was only for the purpose for domestic use and not for the purpose of commercial construction that is why the certificate filed in the current OA does not hold any applicability as it does not give permission for the usage of construction. That is certificate in the terms and condition also states that every year metering report of the submersible / borewell is compulsorily submitted with the Competent Authority but it is important to mention here that the respondent No.1 has not filed any metering report and the metering report is not even filed at the competent authority office i.e. DJB, MCD and CGWA.
- I. That the respondent No.1 is much concerned regarding the vendata of the applicant to file the current OA but has not given any governmental document which confirms that the water was bought for the purpose of construction.
- J. That it is important to mention here that after the notification of the year 2010 Central Ground Water Authority has stopped issuing

the certificate for the extraction of ground water and after the guideline passed by the Delhi Gazette 2010 amended 2014, no one allowed to extract water from the ground for the domestic purpose as well as the commercial purpose.

- K. That without the water clearance, without the NOC, without any competent certificate, the respondent No.1 is doing the big illegal activities of extraction of clean ground water used for the purpose of commercial construction and without any competent GST Bills or metering report, the respondent No.1 has filed the written submissions which does not fall under the allegation of OA and the OA still stands unclarified by the respondents as indirectly shows the cheating done by the respondent No.1 in the usage of clean ground water.
1. That in reply to the contents of this para, it is submitted that contents of the original application filed by the applicant may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

REPLY TO THE PRELIMINARY OBJECTIONS / SUBMISSIONS :-

2. That the contents of para No.2 of the preliminary objections / submissions are wrong, false and hence denied. It is denied that the Applicant has no locus standi to maintain the present application as she does not qualify as an "aggrieved person" under the National Green Tribunal Act, 2010. The Applicant's mere residence in Shakti Nagar and occasional passage through the area does

not confer any special right or interest to maintain this application.

3. That the contents of para No.3 of the preliminary objections / submissions are wrong, false and hence denied. It is denied that the application is based on mere conjectures and surmises, without any concrete evidence of environmental damage.
4. That the contents of para No.4 of the preliminary objections / submissions are wrong, false and hence denied. It is denied that the Respondent has the necessary permissions and clearances for the installation and operation of the borewell. It is denied that the borewell at 43, Bunglow Road, Kamla Nagar, Delhi-7 was installed with proper registration from the Central Ground Water Authority (constituted under Section 3(3) of the Environment (Protection) Act 1986).
5. That the contents of para No.5 of the preliminary objections / submissions are wrong, false and hence denied. It is denied that under Section 15(2) of the Delhi Water Board Act, 1998, read with the general principles of transfer of property, the rights and liabilities associated with the property, including water connection permissions and registrations, transfer to the subsequent owner unless specifically prohibited. It is further denied that therefore, the existing borewell registration, being attached to the property and not having any specific prohibition on transfer, continues to be valid under the Respondent No.1's ownership.
6. That the contents of para No.6 of the preliminary objections / submissions are

wrong, false and hence denied. It is denied that the water extraction is being conducted in strict compliance with the terms and conditions specified in the aforementioned permission and the construction activity is being carried out in accordance with all applicable environmental norms and regulations.

7. That the contents of para No.7 of the preliminary objections / submissions are wrong, false and hence denied. It is denied that the present application appears to be motivated by ulterior motives, as evidenced by the vague and unsubstantiated allegations, the delay in filing the complaint despite alleged knowledge since April 2024.
8. That the contents of para No.8 of the preliminary objections / submissions are wrong, false and hence denied. It is denied that the Applicant's claim of being secretary of a trust engaged in social work appears to be a mere facade to legitimize this frivolous litigation, as no specific details of the trust or its activities have been provided.

REJOINDER ON MERITS :-

1. That the contents of para No.1 of the reply are not denied being admitted by the respondent No.1.
2. That the contents of para No.2 of the reply are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct.

REJOINDER TO THE REPLY OF FACTS :-

1. That the contents of para No.1 of the rejoinder to the reply of facts are wrong, false and hence denied except being admitted by the respondent No.1 and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
2. That the contents of para No.2 of the rejoinder to the reply of facts are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and denied that the answering respondent is having a legally valid permission and the entire work which is being done by the answering respondent is done as per the norms of Government. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
3. That the contents of para No.3 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

4. That the contents of para No.4 of the rejoinder to the reply of facts are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
5. That the contents of para No.5 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
6. That the contents of para No.6 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
7. That the contents of para No.7 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions /

objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

8. That the contents of para No.8 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
9. That the contents of para No.9 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
10. That the contents of para No.10 of the rejoinder to the reply of facts are wrong and denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
11. That the contents of para No.11 of the rejoinder to the reply of facts are wrong and denied and the corresponding para of the

original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

12. That the contents of para No.12 of the rejoinder to the reply of facts are wrong and denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

13. That the contents of para No.13 of the rejoinder to the reply of facts are wrong and denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

REJOINDER TO THE GROUNDS :-

A. That the contents of para No.A of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and denied that the answering respondent is having a legally valid permission and the entire work which is being done by the answering

respondent is done as per the norms of Government. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- B. That the contents of para No.B of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- C. That the contents of para No.C of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- D. That the contents of para No.D of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- E. That the contents of para No.E of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- F. That the contents of para No.F of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- G. That the contents of para No.G of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- H. That the contents of para No.H of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and denied that the answering respondent is having a legally valid permission and the entire

work which is being done by the answering respondent is done as per the norms of Government. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- I. That the contents of para No.I of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- J. That the contents of para No.J of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- K. That the contents of para No.K of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- L. That the contents of para No.L of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and denied that the answering respondent is having a legally valid permission and the entire work which is being done by the answering respondent is done as per the norms of Government. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- M. That the contents of para No.M of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- N. That the contents of para No.N of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- O. That the contents of para No.O of the rejoinder to the grounds are wrong, false and hence

denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- P. That the contents of para No.P of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- Q. That the contents of para No.Q of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- R. That the contents of para No.R of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the

same are not being repeated herein for the sake of brevity.

- S. That the contents of para No.S of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- T. That the contents of para No.T of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- U. That the contents of para No.U of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
14. That the contents of para No.14 of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated,

reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

Prayer clause of the reply is wrong and denied.

PRAYER :-

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the original application of the applicant with costs, in view of the submissions made above and in the interest of justice.



APPLICANT

DELHI THROUGH
DATED: 10/07.2025



COUNSEL

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL JUDGE, NEW DELHI.**

ORIGINAL APPLICATION NO.1357/2024

IN THE MATTER OF :-

RASHI SHARMA

...APPLICANT

VERSUS

HARMEET SINGH & ORS.

...RESPONDENTS

**REJOINDER ON BEHALF OF THE APPLICANT TO
THE REPLY OF THE RESPONDENT NO.2.**

MOST RESPECTFULLY SHOWETH :-

PRELIMINARY SUBMISSIONS :-

- A. That the present OA has been filed by the applicant to present the correct view regarding the illegal usage of ground water used for the purpose of commercial construction by digging submersible / borewell.
- B. That on the current address i.e. 42, Bungalow Road, Kamla Nagar Market, Delhi-110007 of the respondent No.2 is divided into two parts that one plot is registered in the name of uncle of the respondent No.2 i.e. K.K. Bagai and the other part of the plot is being in the name of Shri Anil Bagai.
- C. That in the written statement filed by the respondent No.2, he has himself stated that the plot is divided into two parts and one part

of the plot is being used by his uncle Shri K.K. Bagai and a borewell exists there with the certificate from CGWA and his uncle usage the said property for the purpose of residential purposes. That it is important to mention here that all these submissions mentioned by the respondent No.2 are incorrect as the plot is not used for the residential purposes and the one part which is in the name of the uncle of the respondent No.2 is also used for the commercial purposes as his uncle has given the said plot on rent to big store like Malabar etc. and the whole plot is commercial constructed and is the project of more than 200 crores which is use for the personal commercial gain. That the certificate given by the respondent No.2 of the domestic purposes does not stand in the present OA as the whole plot is being commercial use and domestic activity is carry forward there.

- D. That the other part of the said plot is in the name of respondent No.2 and is under construction of big commercial complex and no residential or domestic activities is being carry forward on the said plot. That the whole plot is being commercially constructed and still the water which is used by the respondent No.2 is the clean ground water from the ground and the water is not bought for the purpose of commercial construction. That the respondent No.2 is on the edge of completion of construction and will sell the whole commercial complex or will do the personal commercial gain by giving on rent by doing the cheating of water in the project of more than 250 crores.
- E. That in the written statement filed by the respondent No.2, he has attached the

certificate issued in the name of his uncle and the respondent No.2 issued by the Central Ground Water Authority which are not only for domestic purposes and not for the purpose of commercial construction and it is important to mention here that the certificate hold no applicability in the allegation of present OA. That the respondent No.2 has filed one RTI Reply on page No.39 in which the reply received from the Central Ground Water Board in which the authority has referred to the notification of Delhi Gazette dated 18.05.2010 issued by the Lt. Governor of NCT of Delhi in which the authority has stated that "ground water management and development in NCT of Delhi is being regulated and controlled by the competent authority i.e. Delhi Jal Board at New Delhi Municipal Council as the case may be". That the authority hence themselves stated that the previous registrations are not valid after the above notification and no ground water is allowed to be extracted from the ground either for the domestic activities or commercial activities.

- F. That in the written statement filed by the respondent No.2, he has attached the documents of the purpose of concrete mixture which does not prove the allegation of cheating of water. The respondent No.2 has also filed the bills of drinking water by the Navrang Lal Water Supplier which clearly states that the water was bought for the drinking purposes and the receipts are also Kacchi as these receipts are no GST receipt and it is not bought for the purpose of construction.
- G. That the respondent No.2 has not attached any bills, GST Bills, for the purchase of water for the construction. That the respondent No.2

has also not filed any metering report of the current borewell situated in the two parts of the plot and no count of the water is being filed by the respondent No.2 which proves that the water was used for the residential purpose.

- H. That the applicant has observed the illegal usage of water till today and the borewell / submersible is not sealed by the competent authority or dismantled by the competent authority as the water is still being illegally used as the applicant has observed the showering of water from the big pipes. That the applicant is not allowed to enter the property to take the photographs of borewell as they are aware of the fact that the borewell still exists there. That the administration has not dismantled the borewell even after the intervene of the Hon'ble Tribunal till date.
- I. That the registration of the borewell as stated by the respondent No.2 is no more valid as the registration certificate issued by CGWA is no more valid after the notification of 2010.
- J. That the allegations stated in the present OA still stand valid as the cheating of water is continuous for the purpose of big commercial construction and the water is illegal used to do personal commercial gain as no competent document has been filed by the respondents to prove the current allegation and the OA stands valid.

MOST RESPECTFULLY SHOWETH :-

1. That the contents of this para No.1 is matter of record, need no reply.

2. That in reply to the contents of this para, it is submitted that contents of the original application filed by the applicant may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.
3. That the contents of para No.3 of the reply are wrong and denied except being admitted by the respondent No.2 and the corresponding para of the OA is hereby reiterated, reasserted as true and correct. It is wrong and denied that the present application is misconceived and has been filed on wrong facts merely to harass the respondents. It is further denied that the respondent is a law abiding senior citizen and any construction work on his property is being done after obtaining necessary clearance and permissions in a bonafide manner. It is further denied that the construction work is being done to build a structure and not conduct any commercial activity as such. In reply to this para, it is submitted that the contents of the preliminary submissions may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

REPLY TO THE PRELIMINARY OBJECTIONS / SUBMISSIONS :-

- a). That the contents of para No.(a) of the preliminary submissions are wrong, false and hence denied. It is denied that the Applicants have approached this Hon'ble Tribunal without having a complete understanding of the factual scenario, or the legal position with respect to the borewells. It is further denied that the applicant has also failed to bring to the notice of the tribunal, an essential notification of the

Central Ground Water Authority ("CGWA") which precisely deals with the matter at hand.

- b). That the contents of para No.(b) of the preliminary submissions are wrong, false and hence denied. It is denied that the properties owned by Respondent No.1 and Respondent No. 2 are located on separate and distinct plots of land, with no association or interrelation between the two. It is further denied that the properties are independent of each other, and there is no overlap or linkage in terms of ownership, usage, or any other relevant factors. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.
- c) That in reply to this para No.(c) of the preliminary submissions, it is submitted that the allegations leveled by the applicant are based totally true and correct grounds which are totally maintainable in the eyes of law.
- d) That the contents of para No.(d) of the preliminary submissions are wrong, false and hence denied. It is denied that the property of the Respondent No.2, where the allegedly illegal borewell has been dug (hereinafter "the property"), is part of a familial estate. It is denied that this estate was divided into two halves in 1973 through partition deed and one half came to the share of respondent no.2 and the other half came in the share of uncle of respondent No.2 i.e. KK Bagai. Both these divided plots got one borewell installed each prior to 1999 which was duly licensed. In reply to this para, it is submitted that the contents

of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

- e) That the contents of para No.(e) of the preliminary submissions are wrong, false and hence denied. It is denied that the property has been the residential address of the Respondent No.2 for over 65 years, and that one borewell each was installed prior to 1999 by each of the brothers for their respective shares in the properties, purely for domestic usage and need. Hence the contention of the Applicant that the said borewell was built recently for commercial purpose has no legs to stand. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.
- f) That the contents of para No.(f) of the preliminary submissions are wrong, false and hence denied. It is denied that as such, the borewells have been setup after complete observance of all regulatory and statutory compliances, and due permission has been sought from all the requisite authorities, as evidenced by the licenses present with both the brothers for each of the borewell. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

- g) That the contents of para No.(g) of the preliminary submissions are wrong, false and hence denied. It is denied that the licenses for both the borewells were applied for and approved together, and that the copy of license of the borewell as held by Mr. K K Bagai can be brought on the record before this Hon'ble tribunal. It is denied that the physical copy of the original license of the borewell for the Respondent No.2, has, however got misplaced as he had to shift his residence, and despite efforts of the respondent No.2 to locate the same, the same has not been found. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.
- h) That the contents of para No.(h) of the preliminary submissions are wrong, false and hence denied. It is denied that the original application herein has been filed by the applicant under a mala-fide presumption that the borewell impugned herein is unlicensed, despite the fact that when the applicant applied to the CGWA or the CPCB, or the DJB, they did not get any adverse report of any breach or violation committed by the Respondent No.2 or that the Respondent No. 2 does not hold an appropriate license. Hence, the contention of the Applicant that the borewell in question has been illegally dug by Respondent no. 2 is completely false and misconception. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of

this para under reply as the same are not being repeated herein for the sake of brevity.

- i) That the contents of para No.(i) of the preliminary submissions are wrong, false and hence denied. It is denied that the applicant has falsely claimed that the Respondent No. 2 is carrying out construction activity of commercial nature without adding any evidence or indicating what commercial construction activity is actually being carried, and how such alleged construction activity is leading to any monetary benefit to the Respondent No.2. It is denied that such contentions made by the Applicant are vague and bald assertions without any legs to stand. It is denied that the Respondent No.2 has not used the borewell in any commercial enterprise or for any industrial or commercial activity. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.
- j) That the contents of para No.(j) of the preliminary submissions are wrong, false and hence denied. It is denied that the property in question is a residential property and no commercial activity whatsoever is being carried on the said property.
- k) That the contents of para No.(k) of the preliminary submissions are wrong, false and hence denied. It is denied that the Respondent No.2 is constructing a residential building for his own use and for the said construction, the Respondent No.2 herein is buying ready mix concrete and getting the same delivered to the

residential address of the Respondent that is Bunglow Road. It is denied that this ready-mix concrete is being purchased from a supplier and is subsequently being delivered directly to the residential address of the Respondents, which is located on Bunglow Road thereby reducing the requirement of water substantially.

- l) That the contents of para No.(l) of the preliminary submissions are wrong, false and hence denied. It is denied that furthermore, maximum amount of water is taken by Respondent no. 2 by ordering water tankers. It is stated that all nondomestic requirements are usually fulfilled through water tankers and only some domestic requirements are fulfilled through borewell water. It is denied that the answering Respondent herein, even prior to January, 2024, has been buying water tankers, as the Sanction Plan is dated 31.05.2023 and is attached. It is further denied that in light of such fact, the allegation of the Applicant that it is due to the answering respondent that the problem of drinking water exists in the area is baseless, false and misconceived. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

- m) That the contents of para No.(m) of the preliminary submissions are wrong, false and hence denied. It is denied that the complainant in this case is making a false and unfounded assertion by claiming that Respondent No. 2 is responsible for the depletion of groundwater resources in New Delhi. It is denied that

contrary to these claims, Respondent No. 2 is actually taking proactive and responsible measures to preserve and protect groundwater in the region. It is denied that the Respondent No. 2 is fully complying with the mandates and regulations set forth by the Delhi Jal Board, which is the primary governing body for water management in Delhi. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

- n) That the contents of para No.(n) of the preliminary submissions are wrong, false and hence denied. It is denied that the respondent No. 2 has implemented a rainwater harvesting system on the property in question. It is denied that thus, the actions taken by Respondent No.2 are consistent with best practices for environmental stewardship and contribute positively to the preservation of groundwater, rather than being a factor in its depletion.
- o) That the contents of para No.(o) of the preliminary submissions are wrong, false and hence denied. It is denied that the allegations put forth by the Applicant are wholly unsubstantiated and devoid of any credible allegation. It is denied that the allegations, as presented, are not only baseless but are also patently false. The Applicant has failed to provide any verifiable or concrete evidence to substantiate the claims made. It is denied that furthermore, the present application appears to be nothing more than an exercise in mere speculation, with no factual or legal

foundation to support it and it is prayed that the application be dismissed in its entirety, as it is grounded purely in conjecture and is devoid of any substance, only to harass the Respondents and waste courts time.

- p) That the contents of para No.(p) of the preliminary submissions are wrong, false and hence denied. In reply to this para, it is submitted that the contents of the preliminary submissions which were mentioned herein above may kindly be read as part and parcel of this para under reply as the same are not being repeated herein for the sake of brevity.

REJOINDER TO THE REPLY OF FACTS :-

- I. That the contents of para No.1 of the rejoinder to the reply of facts are wrong, false and hence denied except being admitted by the respondent No.1 and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- II. That the contents of para No.2 of the rejoinder to the reply of facts are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and denied that the applicant has filed the present application merely on assumptions having been drawn from far since as per said paragraph she passes through the said construction site and sees it. It is denied that

the applicant does not have any specific information about the nature of the work going on the site, the water which is being used for the same and the status of the license of the borewell of the respondent No.2.

- III. That the contents of para No.3 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- IV. That the contents of para No.4 of the rejoinder to the reply of facts are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- V. That the contents of para No.5 to 10 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- VI. That the contents of para No.11 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- VII. That the contents of para No.12 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- VIII. That the contents of para No.13 of the rejoinder to the reply of facts need no comments being admitted by the respondent and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

REJOINDER TO THE GROUNDS :-

- A. That the contents of para No.A of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and

denied that the respondent No.2 has the requisite license for the borewell in question, on the basis of the answer letter given by the CGWB in response to our RTI dated 30.01.2025. It is further denied that there has also been o evidence, photographic or otherwise, to prove that there has been illegal usage of the borewell wherein the water has been used for construction or any kind of commercial activity. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- B. That the contents of para No.B of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- C. That the contents of para No.C of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is denied that the necessary permission for drilling of the borewell was taken and hence the borewell existing in the property of the respondent is not illegal. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- D. That the contents of para No.D of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- E. That the contents of para No.E of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- F. That the contents of para No.F of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- G. That the contents of para No.G of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may

kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- H. That the contents of para No.H of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- I. That the contents of para No.I of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- J. That the contents of para No.J of the rejoinder to the grounds needs no reply being admitted by the respondent.
- K. That the contents of para No.K of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- L. That the contents of para No.L of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is wrong and denied that the respondent No.2 has been holding a license, hence all compliances and permissions are in place. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- M. That the contents of para No.M of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- N. That the contents of para No.N of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- O. That the contents of para No.O of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated,

reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- P. That the contents of para No.P of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- Q. That the contents of para No.Q of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- R. That the contents of para No.R of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. It is submitted that the OA of the applicant discloses cause of action against the respondents. For further reply, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

- S. That the contents of para No.S of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- T. That the contents of para No.T of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct.
- U. That the contents of para No.U of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.
- V. That the contents of para No.V of the rejoinder to the grounds are wrong, false and hence denied and the corresponding para of the original application is hereby reiterated, reasserted as true and correct. In reply to this para, it is submitted that the reply to the preliminary submissions / objections may kindly be read as reply to this para as the same are not being repeated herein for the sake of brevity.

Prayer clause of the reply is wrong and denied.

PRAYER :-

It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the original application of the applicant with costs, in view of the submissions made above and in the interest of justice.



APPLICANT

DELHI

THROUGH

DATED: 10.07.2025



COUNSEL

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL JUDGE, NEW DELHI.**

ORIGINAL APPLICATION NO.1357/2024

IN THE MATTER OF :-

RASHI SHARMA

....APPLICANT

VERSUS

HARMEET SINGH & ORS.

...RESPONDENTS

**REJOINDER ON BEHALF OF THE APPLICANT
TO THE REPLY OF THE RESPONDENT NO.6.**

MOST RESPECTFULLY SHOWETH :-

PRELIMINARY SUBMISSIONS :-

- A. That the present OA has been filed by the applicant to present the correct view regarding the illegal usage of ground water used for the purpose of commercial construction by digging submersible / borewell.
- B. That the respondent No.6 in the written statement filed on behalf of the Environmental Engineer of Delhi Pollution Control Committee has stated that there are lot of illegality noticed at the construction site of 42 and 43, Bungalow Road, Kamla Nagar Market, Delhi-110007.

- C. That the respondent No.6 in its reply has stated that M/s SS Buildwell C/o Sh. Ranjit Singh Kohli is doing the construction at 43, Bungalow Road, Kamla Nagar Market, Delhi-110007 and the committee has admitted that there is illegal ground water extraction for the commercial usage which is the main allegation of the present OA.
- D. That the respondent No.6 has further stated that M/s Sprecum Consturftion C/o Sh. R.D. Singh and Sh. Anil Bagai is doing the construction at 42, Bungalow Road, Kamla Nagar, Delhi-110007 and there is also illegal extraction of ground water for the commercial usage.
- E. That the Committee has claimed the compensation of Rs.2,00,000/- and Rs.3,00,000/- on the respective addresses for the illegalities they are doing in the form of environment and this is the environment compensation putted by the respondent No.6.
- F. That the respondent No.6 has also not stated the amount of extraction of clean ground water that is being done for the purpose of commercial construction as the committee could have obtained the metering report of the borewell or seeing the project they would have calculated the compensation for the illegal usage of water.
- G. That the committee has further stated that for the purpose action to be taken for the clean ground water usage illegally, the

competent authorities including the Deputy Commissioner Revenue and the Joint Team under the supervision of SDM including DJB, DISCOMs and Local Police will be coordinated to take the action on the extraction of clean ground water.



DEPONENT

VERIFICATION :

Verified at Delhi on this ___ day of July, 2025 that the contents of the affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL JUDGE, NEW DELHI.

ORIGINAL APPLICATION NO.1357/2024

IN THE MATTER OF :-

RASHI SHARMAAPPLICANT
VERSUS
HARMEET SINGH & ORS. ...RESPONDENTS

AFFIDAVIT

Affidavit of Rashi Sharma, Chamber No.K-1/A,
Tis Hazari Courts, Delhi-110054.

I, the above named deponent do hereby solemnly
affirm and declare as under :-

*I identify the deponent who
has signed in my presence*

1. That the deponent is the applicant in the above noted case and is well conversant with the facts and circumstances of the case and is competent to swear this affidavit.
2. That the accompanying Rejoinder has been drafted by my counsel under my instructions. The contents of the same are true and correct to my knowledge and the same may kindly be read as part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.

11 4 JUL 2025 DEPONENT

VERIFICATION :-

Verified at Delhi on this 10 day of July, 2025 that the contents of the above affidavit are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed from me.

5/7/25
* The Seal of Oath/Commissioners
S.L. No. 39/2023
VIVEK KUMAR
App. By Delhi High Court
Period-15/07/2023
to 14/07/2025
Tis Hazari Court, Delhi-110054

Identified by, *Rashi Sharma*
Delhi on *10/07/2025*
that the contents of the affidavit which have been read and explained to me and I have understood the same to be true and correct to the best of my knowledge.
DEPONENT
Rashi Sharma

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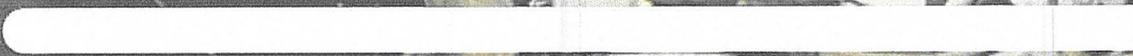
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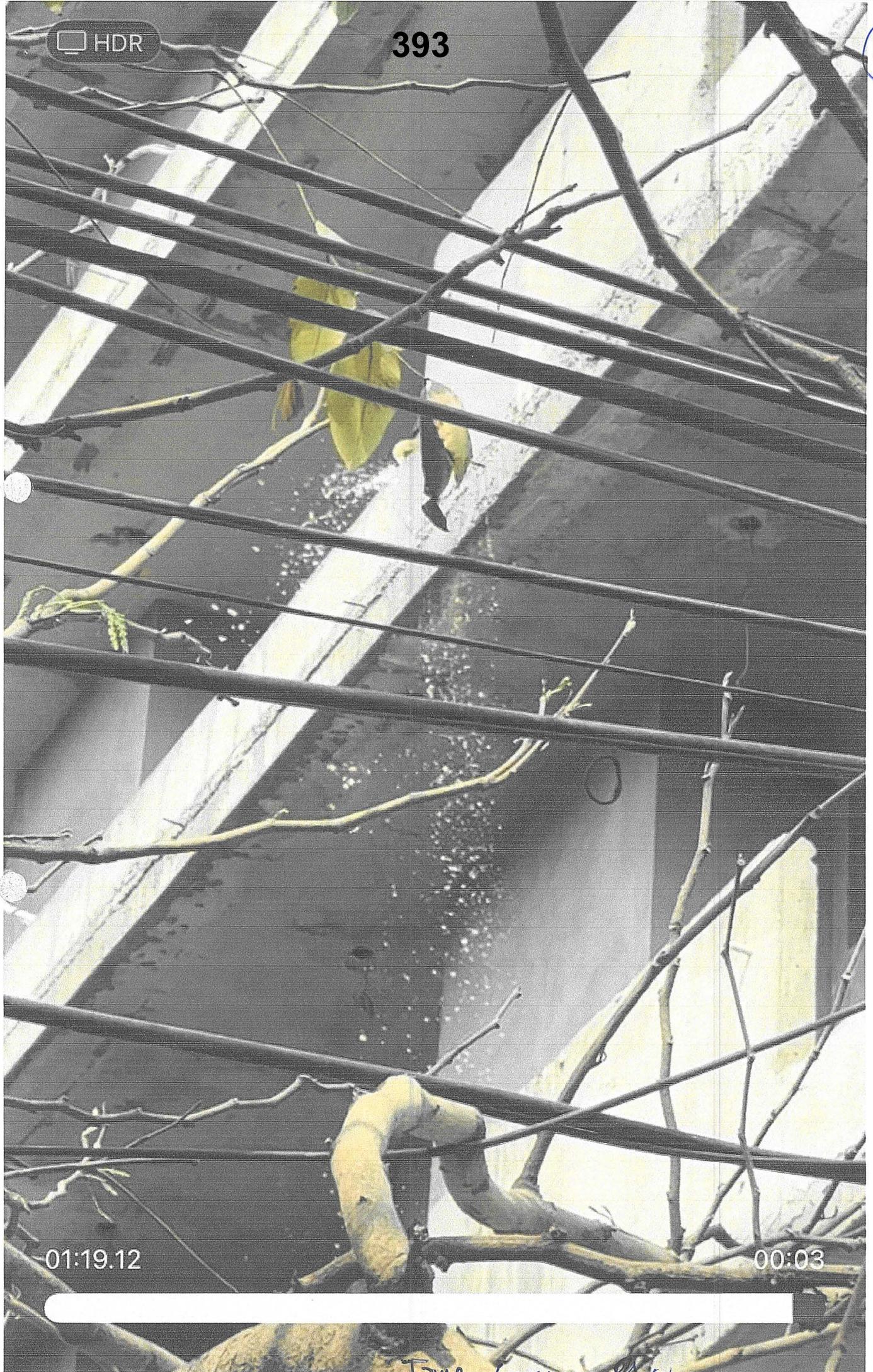


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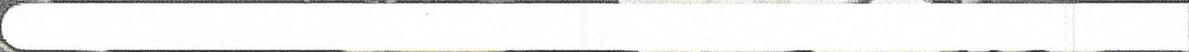
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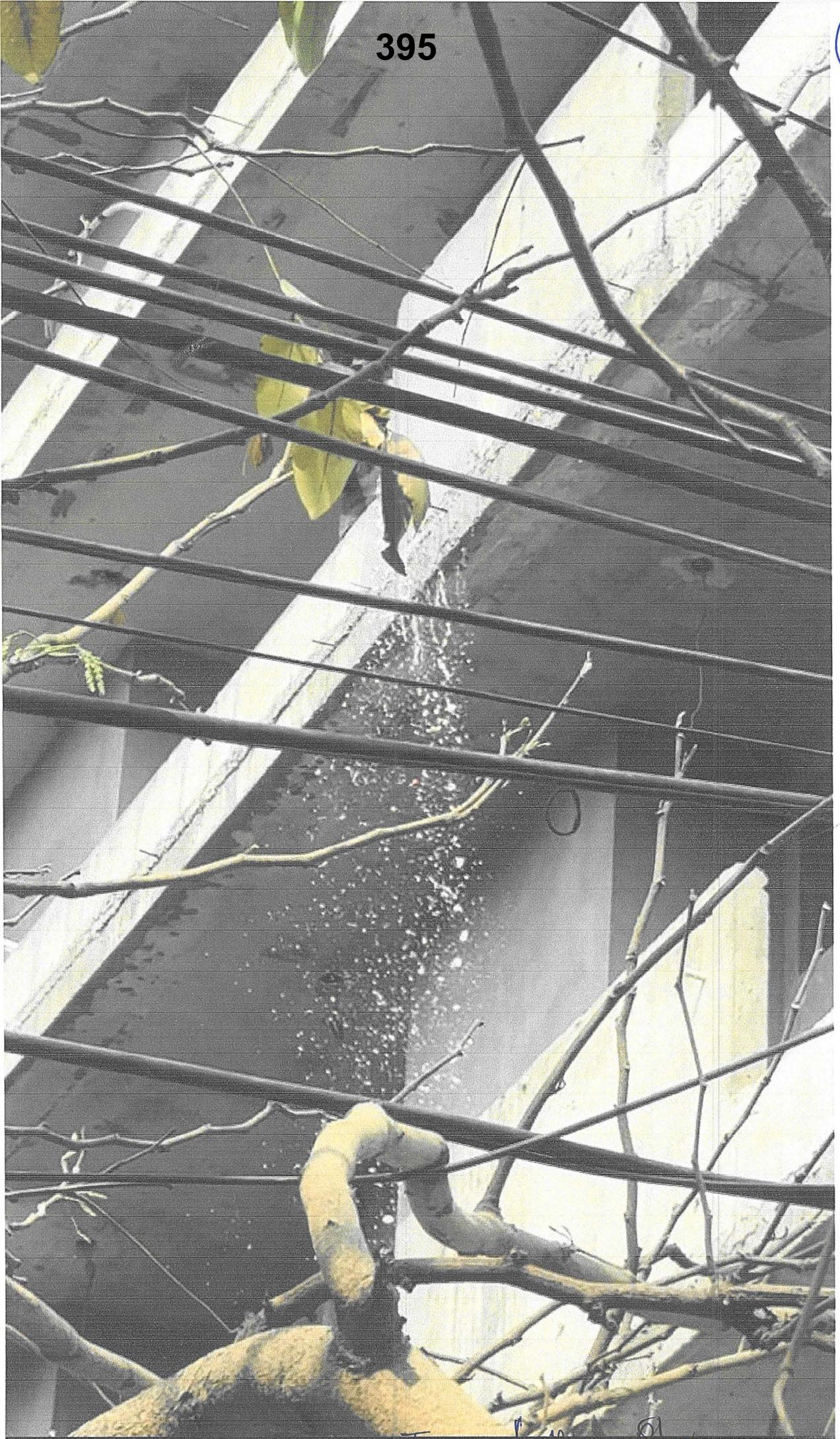
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S.E.



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