

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

**O A NO. 215/2024**

**IN THE MATTER OF:**

Ankit Tiwari

...Applicant

**VERSUS**

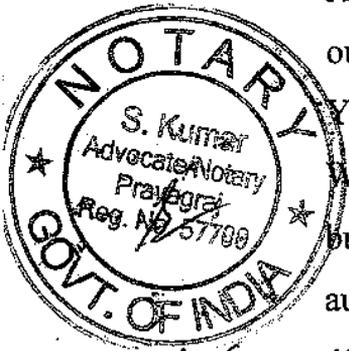
ISKCON Prayagraj through its President  
Achyut Mohan Das alias Aditya Mittal & Ors

... Respondents

**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY  
FILED BY RESPONDENT NO. 1**

**MOST RESPECTFULLY SHOWETH:**

1. That the present Original Application No. 215/2024, has been filed by the Applicant dated 24.01.2024 to prevent Respondent No.1 from carrying out illegal construction which is within the flood plain zone of River Yamuna over plot No. A/161, Kasiraj Nagar, Baluaghat, Prayagraj, UP. When the present application was filed before this Hon'ble Tribunal those buildings were under construction and the attention of the concerned authorities was drawn by the Applicant through the online complaint no. 40017524010438 dated 11.03.2024. It was mentioned in the reply of Zonal officer, Prayagraj that no construction is going on over the disputed land and if any future construction takes place, the authority will take required actions. That Applicant always showed his due diligence and raised this issue before the concerned authorities, and also filed a supplementary affidavit dated 03.12.2024 along with the pictures of construction site showings laboures working thereon, dated 09.03.2024, before this Hon'ble Tribunal. However, no action was taken by the



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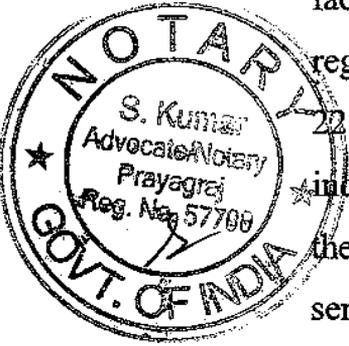
authority during pendency of this case and the respondent No.1 not only completed the construction during the pendency of case but also commenced commercial activities; evidences in this regards has also been filed by Applicant the in the supplementary affidavit which are on record of this Hon'ble Tribunal.

2. That Respondent No.1 has filed a Reply to original Application no. 215/2024, denying the allegations, and primarily contending that its construction is not within the flood plain zone and is not in violation of any High Court orders, citing a report from the Executive Engineer, Flood Works Division, Prayagraj, dated 11.09.2024, which states the building is outside the demarcated embankment. That the Applicant, through this Rejoinder, asserts that the Respondent No. 1's claims are factually incorrect and legally unsustainable. That a report submitted by regional officer , U.P Pollution Control Board vide its report dated 22.08.2024, at para 7 of the report, before this Hon'ble Tribunal, clearly indicates that the constructed buildings are merely 43 meters away from the River Yamuna, unequivocally placing them within the ecologically sensitive flood plain. That the absence of formal demarcation by one department does not negate the ecological reality and sensitivity of a flood plain, and administrative sanctions cannot override the fundamental environmental protection laws and principles. That the NGT's jurisdiction extends to preventing and remedying such environmental damage, guided by the Precautionary Principle and the Public Trust Doctrine.

#### PRELIMINARY SUBMISSIONS:

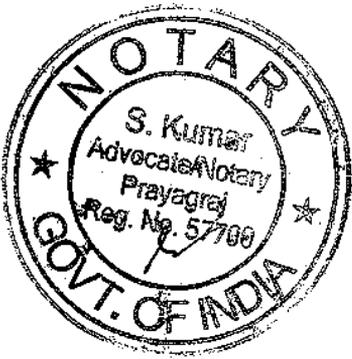
1. That the present original Application filed by the applicant on 24.01.2024 against the illegal construction of three buildings

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namely Ganga Yamuna and Saraswati made by Respondent No.

1. That the construction undertaken by Respondent No. 1 is indeed in violation of environmental norms and principles, particularly concerning the flood plain Zone of River Yamuna.
2. The Reply filed on behalf of Respondent No. 1 is an attempt to obfuscate the core issue of environmental degradation and illegal construction within the ecologically sensitive flood plain zone of River Yamuna by raising irrelevant administrative details and social activities done by them. The Applicant reiterates that the construction of three buildings by Respondent No. 1 is dangerously close to the River Yamuna, specifically at a distance of only 43 meters, as per a report submitted by the regional officer , U.P Pollution Control Board vide its report dated 22.08.2024, at para 7 of the report, before this Hon'ble Tribunal.
3. That the applicant is a social worker who cares for the society and work for the betterment of the society. This present application is one of his contributions in the society. However result of raising voice against the respondents who have strong and influencing position in the society, that there is constant threat to the life of petitioner as his family has shifted to their paternal home. That Applicant has been pressuring to settle the matter outside the court. That this Hon'ble Tribunal was pleased to pass in its order dated 28.03.2025 that applicant can approach Commissioner of Police of Prayagraj, However no protection was given by the authority. Hence it is most respectfully submitted that the Applicant may be granted security with immediate effect or if not then Commissioner of



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Police of Prayagraj should undertake full responsibility in case of any mishap.

4. The Applicant submits that the National Green Tribunal has a paramount duty to protect and preserve the environment, including river flood plains, which are vital for ecological balance, groundwater recharge, and flood mitigation. Any construction within such zones, irrespective of administrative sanctions or charitable objectives, constitutes a grave environmental violation.

#### PARA-WISE REPLY ON MERITS:

At the outset, it is submitted that every averment contained in the present Application under reply is wholly denied, as false and misleading, save and except those which are specifically admitted herein and for what is a matter of record and nothing is deemed admitted for lack of specific traverse thereof.

1. That the contents of Para 22 of the reply are vehemently denied. The Application filed by the Applicant is well-founded, based on concrete facts and legal principles, and is maintainable. The Applicant reserves the right to file additional submissions as and when required.

That the contents of this para are denied as misleading and irrelevant to the core environmental issue in this case. While Respondent No. 1 attempts to distinguish the Hon'ble Allahabad High Court's Order in **PIL No. 4003 of 2006, Re Ganga Pollution versus State of U.P., dated 22.04.2011**, by stating it pertains to River Ganga and part of River Yamuna at Sangam, and does not applies to their case, the fundamental principle enshrined in that order, and indeed in numerous environmental judgments, is the protection of riverine



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ecosystems, including their flood plains. The spirit of the order, which restrains construction within 500 meters from the HFL of rivers. Hence, it is not limited to river Ganga, it is a clear directive against encroachment on flood plains. The Respondent's construction, being only 43 meters from the Yamuna, falls squarely within the zone requiring protection, irrespective of its distance from the Sangam. The NGT's jurisdiction to protect flood plains is independent and not solely contingent upon specific High Court orders related to particular stretches of rivers. However the commercial construction in question, which forms the subject matter of the present proceedings, has been undertaken in blatant violation of the provisions of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. Section 6(3) and 3(1) of the said Order categorically provides :-

Section 6(3) *"no person shall construct any structure, whether permanent or temporary, for residential, commercial, industrial or any other purpose in the River Ganga, the bank of River Ganga, its tributaries, or the active floodplain area of River Ganga or its tributaries."* The Respondent has proceeded with the said construction in complete disregard of the statutory prohibition contained therein.

Section 3(1) *"floodplain" means such area of the River Ganga or its tributaries which comes under water on either side due to floods corresponding to its greatest flow or with a flood of frequency once in a hundred years. The site in question squarely falls within such floodplain area. Any attempt by the*

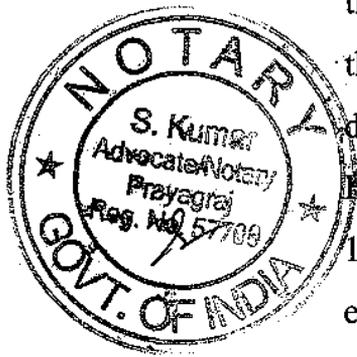


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*Respondent to justify the said construction is nothing but an afterthought and is liable to be rejected outright.*

In view of the above, the impugned construction is ex facie illegal, environmentally impermissible, and in direct contravention of the statutory mandate, and therefore warrants appropriate intervention and directions from this Hon'ble Tribunal.

2. The contents of para 23, 24 and 25 of the reply, are specifically denied as factually incorrect and misleading. The Respondent's reliance on the UPPCB's response report of compliance order dated 10.05.2024 of this Hon'ble Tribunal, dated 22.08.2024, mentioning that no demarcation of Flood Plain by the Irrigation Department, and the Executive Engineer, Flood Works Division, Prayagraj's letter dated 11.09.2024, stating the building is outside the demarcated embankment, is flawed.



- a) Firstly, the Applicant submits that as per report submitted by regional officer, U.P Pollution Control Board vide its report dated 22.08.2024, at para 7 of the report, before this Hon'ble Tribunal clearly establishes that the buildings constructed by Respondent No. 1 are merely 43 meters away from the River Yamuna. This factual finding directly contradicts the assertion that the construction is outside the flood plain zone.

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b) Secondly, the absence of formal demarcation of a flood plain by a particular department does not negate the existence of such an ecologically sensitive zone. The definition of a flood plain is primarily ecological and hydrological, determined by the High Flood Level (HFL) and the natural inundation area of the river, rather than solely by administrative lines drawn on a map.

c) Thirdly, the NGT has consistently held that even in the absence of formal demarcation, the Precautionary Principle mandates that no construction should be permitted in areas that are ecologically vulnerable or prone to flooding. The Executive Engineer's report, based on "demarcation guideline dated 15.01.2015," cannot override the scientific and ecological understanding of a river

3. That the contents of the Para no.26 of reply strongly opposed as misconceived and misleading both in fact and law.

#### REJOINDER TO PARA-WISE REPLY

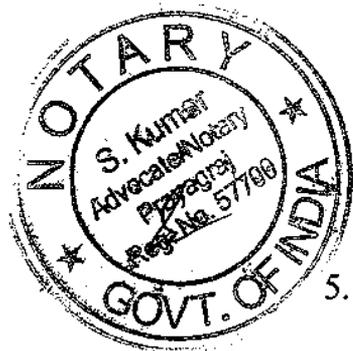
1. That the contents of Paragraph 1 and 2 of the preliminary submissions need no reply.
2. That the contents of Paragraph 3 and 4 of the preliminary submissions are strongly opposed as incorrect and misleading, that the construction by Respondent No. 1 directly violates the spirit and intent of the Hon'ble High Court's Order dated 22.04.2011, which sought to protect riverine areas from illegal construction.



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The Respondent's construction, being only 43 meters from the River Yamuna, is undeniably within the flood plain zone, making any argument about its distance from the Sangam or River Ganga a mere technicality that ignores the ecological reality.

3. That the contents of Paragraph 5 and 6 of the preliminary submissions need no reply as the order passed by Hon'ble Allahabad High Court is in public domain and respondent can get access to the said judgment.
4. The contents of Preliminary Submissions of the reply from para 7 to 14, detailing the charitable objectives and social activities of ISKCON, are noted and appreciated. However, it is submitted that while the social and charitable contributions of Respondent No. 1 are acknowledged, they do not, in any manner, grant immunity from compliance with environmental laws and regulations. Environmental protection is a non-negotiable constitutional mandate, and no entity, regardless of its philanthropic endeavors, can be permitted to violate norms that safeguard public health and ecological integrity.
5. The contents of Preliminary Submissions 15 to 19, pertaining to the sanctioning of revised maps and applications for extension, are denied as irrelevant to the environmental legality of the construction. Administrative sanctions or their extensions by local development authorities are always subject to overarching environmental laws. A map sanction cannot permit construction in an ecologically fragile zone like a river flood plain. The alleged lack of communication from the Prayagraj Development Authority regarding extension applications does not create any deemed right

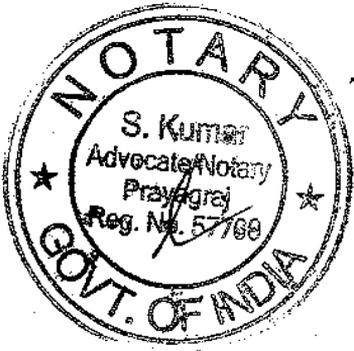


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to construct illegal buildings in violation of environmental principles.

6. The contention in Preliminary Submission 20, that provisions relating to map sanction, compounding, etc., are beyond the scope of enactments in Schedule I of the NGT Act, 2010, is misconceived and vehemently denied. The present application is not merely about map sanction but about illegal construction within flood plain Zone, which directly impacts the environment and falls under the purview of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, and other allied environmental statutes listed in Schedule I of the NGT Act. The NGT has ample jurisdiction to address such violations.

7. The contents of Preliminary Submission 21, regarding the utilization of structures for temple, Vedic Cultural Centre, and ancillary facilities, are noted. However, the purpose of the construction does not alter its environmental impact or illegality when it is situated in a prohibited zone/ flood plain zone.



#### PRAYER

In light of the foregoing submissions and the facts and circumstances of the case, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. To initiate immediate demolition proceedings against the unauthorized structures constructed by Respondent No. 1 in accordance with the applicable laws and regulations.
- b. Impose exemplary costs on Respondent No. 1 for undertaking and completing unauthorized construction despite the case pending before the Hon'ble Tribunal in violation of environmental norms and building regulations.

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- c. Pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case, in the interest of justice and environmental protection.

*Tiwari*  
Applicant

Through

Place- New Delhi  
Date- 11.03.2026

*Pandey*  
Praruj Pandey and Sandhya  
Advocates for Applicant  
A2/74, LGF, Safdarjung Enclave  
New delhi-110029  
Mobile No:- 8317057959



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... Respondents

**AFFIDAVIT**

I Ankit Tiwari S/o Mr. Akhilesh Tiwari resident of 35/10, Jawahar Lal Nehru Road, Allahabad, Uttar Pradesh, do hereby solemnly affirm and declare as under:

1. That the deponent is the applicant in the present case and is thus well conversant with the facts and circumstances of the case and as such is competent to swear this affidavit.
2. That the above rejoinder has been prepared by the empanelled counsel under my instructions and the contents of the same are true and correct and are not being repeated here for the sake of brevity as the same may be read as a part and parcel of the present affidavit.  
The/contents of the rejoinder have been read over and explained to me in vernacular.
4. That this is my true and correct statement.



*A Tiwari*  
**DEPONENT**

**VERIFICATION:-**

Verified at Allahabad, Uttar Pradesh on day of March 2026 on solemn affirmation that the contents of the above affidavit are true and correct and nothing material has been concealed.

*A Tiwari*  
**DEPONENT**

Sri. *Ankit Tiwari*  
Identified by *A.P. and Sandhya Adv*  
has sworn before me on *11/3/26*  
who has accepted the contents of  
this affidavit to be true.

*SKumar Adv.*  
Sanjay Kumar  
Advocate/Notary Prayagraj  
Govt. of India

**IDENTIFIED BY**  
**ADVOCATE/PRAYAGRAJ**

*11/3/26*