

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT DELHI

ORIGINAL APPLICATION NO. 215 OF 2024

IN THE MATTER OF:

Ankit Tiwari

...PETITIONER

VERSUS

ISKCON Prayagraj Through its President
Achyut Mohan Das alias Aditya Mittal and Ors.

...RESPONDENTS

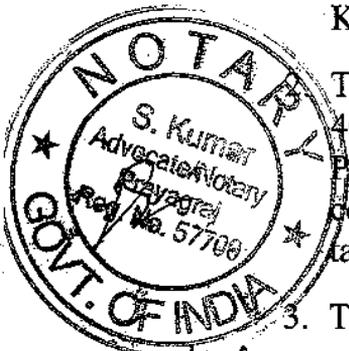
**REJOINDER AFFIDAVIT ON BEHALF OF THE PETITIONER TO
THE REPLY FILED BY RESPONDENT NO. 4**

MOST RESPECTFULL SHOWETH

1. That present original Application filed by the applicant with regards to the construction of three Buildings by the ISKCON Prayagraj, at A-161, Kashi Rajnagar, Baluaghat, Prayagraj.

That pertain to this applicant also made a online complaint no. 4001752401038 dated 11.03.2024 to PDA , in its reply dated 28.03.2024 PDA submitted that "no construction is going on when they inspected the construction site and PDA ensured that if there is any further construction takes place, PDA will take action as per law."

3. That the PDA's Zonal Officer's report dated 28.03.2024, stating "no construction work is currently taking place at the said site," is not only factually incorrect but also appears to be a deliberate attempt to shield Respondent No. 1 from legal consequences. The Petitioner's complaint was dated 11.03.2024, and the photographic evidence of ongoing construction is from 09.03.2024. It is inconceivable that within a span of less than three weeks, all construction activity would have ceased, especially when Respondent No. 1's own brochure projects completion and inauguration dates for December 2024 and January 2025. This discrepancy points towards a serious lapse in oversight and potentially collusive behavior by the local authorities
4. That the assertion by Respondent No. 4 in its Reply that "no construction activity is in progress as on date" is a blatant misrepresentation of facts and is demonstrably false. The Petitioner had filed a Supplementary Affidavit dated 03.12.2024, annexing photographs dated 09.03.2024 (Annexure SA-2), which clearly depict active construction work, including laborers and JCB machines, at the site in question. Furthermore, the brochure published by Respondent No. 1 (Annexure



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SA-3 to the Supplementary Affidavit) explicitly details the "BVCC (Phase -1)" project, including the "Ganga, Yamuna, Sarasvati" buildings, and projects its inauguration for the "1st week of Jan'25" and the "FFL Project" for the "3rd week of Dec'24". These documents irrefutably prove that construction has been and continues to be in full swing, contrary to the false report of the Zonal Officer dated 28.03.2024, which was relied upon by Respondent No. 4

5. That the PDA's assertion that "no construction activity is in progress as on date" is demonstrably false and is directly contradicted by the photographic evidence filed by the applicant and the promotional brochure of Respondent No. 1, which clearly indicate active construction and projected inauguration dates in December 2024 and January 2025. That the PDA's inaction despite the admitted lapse of the permit and its failure to halt the illegal construction, coupled with its misleading statements, highlights a grave dereliction of duty and a potential nexus with Respondent No. 1, thereby necessitating immediate intervention by this Hon'ble Tribunal to protect environmental integrity and uphold the rule of law.

That the in PDA's reply, while admitting the legal infirmity of the construction, attempts to create a false narrative of compliance by stating that no construction is ongoing but the truth is that not only the construction is complete there but also commercial activities has been started. This selective disclosure and misleading representation to this Hon'ble Tribunal is unacceptable. The PDA, as a public authority, has a duty to present accurate facts and take decisive action against illegalities, rather than providing evasive or incorrect information. Such conduct undermines the judicial process and the public trust reposed in regulatory bodies.

7. Because allowing such large-scale unauthorized construction by a prominent organization like ISKCON Prayagraj, especially in a potentially ecologically sensitive area, would set a dangerous precedent. It would send a message that powerful entities can flout environmental norms and building regulations with impunity, thereby eroding public confidence in regulatory mechanisms and encouraging similar illegalities across the region. This Hon'ble Tribunal must ensure that the rule of law prevails and that no entity, irrespective of its stature, is above the law.

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PARA-WISE REPLY

1. That contents in para 1, 2 and 3 needs no reply.
2. That contents in para 4 and 5 Respondent No. 4 has unequivocally admitted that the original map sanction permit No. 85/Zone-9/Up.-23/Pra./2002-03, dated 17.05.2004, and the amended map sanction permit No. 145/ Pra. A. (Bhawan)/ Zone-2/2010-11, dated 06.01.2011, for the construction of buildings by Respondent No. 1 at A-161, Kashi Rajnagar, Baluaghat, Prayagraj, Uttar Pradesh, lapsed by efflux of time on 05.01.2016. Respondent No. 4 further admits that the application for extension filed by Respondent No. 1 on 12.10.2018 was not maintainable under Section 3.1.5 of the "Building Construction and Development By-laws, 2008" as amended, since it was submitted long after the initial validity period expired. This admission by the regulatory authority itself conclusively establishes that any construction carried out by Respondent No. 1 after 05.01.2016 is entirely unauthorized and illegal but no due diligence was performed by the authorities.
3. That contents in para 6 needs no reply.
4. That contents in para 7 and 8 defines law pertains to the issue being raised. That despite the law clear about the sanction suspension, the inaction of Respondent No. 4 for over eight years since the lapse of the building permit on 05.01.2016, despite being the primary regulatory authority, constitutes a grave dereliction of its statutory duties. The PDA was obligated to ensure compliance with building by-laws and to take prompt action against unauthorized construction. Its failure to do so has allowed Respondent No. 1 to continue illegal construction activities for years, thereby undermining the very purpose of urban planning and environmental regulations. This prolonged inaction has emboldened Respondent No. 1 and caused significant environmental damages.
5. That contents in para 9 the authority specifically admits that the "the sanction granted to ISKCON lapsed by efflux of time, which cannot be extended any further". However, the authority has been silent about its action. Authority neither takes any action nor approached the court in regards to illegal construction.
6. That contents in para 10, Respondent No. 4 has admitted that the construction site is within the identified Flood-plain Zone (FPZ) coordinates by the CWC and that physical demarcation of the Yamuna in Prayagraj District is in progress. While Respondent No.



S. Kumar

4 states that a decision on demolition or compounding will be arrived at after demarcation, this approach is flawed and dangerous. Given the admitted lapse of the building permit and the potential location within a floodplain, the precautionary principle mandates an immediate cessation of all construction activities. Allowing construction to continue in a potentially environmentally sensitive zone, especially without valid permits, poses an irreversible threat to the ecosystem and public safety, and any decision to compound such a violation would be contrary to environmental jurisprudence.

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. Direct Respondent No. 4 to initiate immediate demolition proceedings against the unauthorized structures constructed by Respondent No. 1 after 05.01.2016, in accordance with the applicable laws and regulations.
- b. Direct an independent inquiry into the conduct of Respondent No. 4, particularly concerning its failure to take timely action against the unauthorized construction and the submission of a factually incorrect report regarding the cessation of construction activities.
- c. Impose exemplary costs on Respondent No. 1 for undertaking and continuing unauthorized construction in violation of environmental norms and building regulations.
- d. 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.



A. Wari
Applicant

Through

Place- New Delhi
Date-11.03.2026

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

A. Wari

**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

AFFIDAVIT

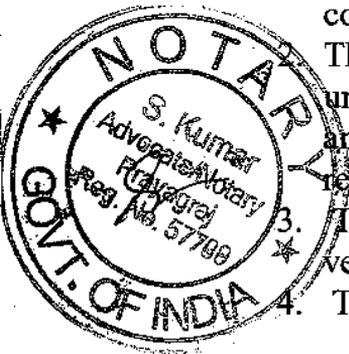
I Ankit Tiwari S/o Mr. Akhilesh Tiwari resident of 35/10, Jawahar Lal Nehru Road, Allahabad, Uttar Pradesh, do hereby solemnly affirm and declare as under:

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.

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.



[Signature]
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.

[Signature]
DEPONENT

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

IDENTIFIED BY

[Signature]
Sanjay Kumar
Advocate/Notary Prayagraj
Govt. of India
ADVOCATE/PRAYAGRAJ

11/3/26