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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1343 OF 2024

(Under Section 18(1) read with Sections 14, 15 & 17 of  
National Green Tribunal Act 2010)

**IN THE MATTER OF**

Harish Yadav

...Applicant

VERSUS

State of Uttar Pradesh & Others

...Respondents

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APPLICANT

Through

Place:

Date: 24.06.2025

AMARNATH & BRAJESH KUMAR JHA  
Counsels for Applicant  
Bungalow No. 8-B, LGF,  
Jangpura – B, Main Mathura Road  
NEW DELHI – 110014

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**NDOH : 01.07.2025**

**REJOINDER ON BEHALF OF THE APPLICANT TO THE  
REPLY FILED BY RESPONDENT NO. 7**

**MOST RESPECTFULLY SHOWETH**

- I. That the instant rejoinder is being filed on behalf of the applicant in response to the reply filed by the Respondent No. 7.
- II. That save and except what has been stated in the caption original application what are matters of record nothing contain in the reply should be deem to have

been admitted by the applicant by reason of non-traverse or non-express denial unless admitted herein.

- III. That reply by way of affidavit filed is an eye wash as the same has not disclosed the compliance, terms and conditions followed by respondent no.2/PP.

**BRIEF FACTS**

- A. That the applicant filed the instant application against the environmental offences made by respondent no.2 while developing and constructing the Integrated Township - "ADITYA WORLD CITY" under the Housing Policy dated 21.05.2005 of Government of Uttar Pradesh.
- B. The respondent no.3 "GDA" has issued a licence for 185 acres of land for developing the integrated township to respondent no.2 in the year of 2006.
- C. That respondent no.2 in response to Housing Policy Dated 21.05.2005 seeks to develop and construct Integrated Township over an area of 185 acres of land

falling different khasras located at Village Shahpur Bamheta, Dasna, Ghaziabad. The said Integrated Township is part of the Master Plan 2021 of respondent no.3. Accordingly, the respondent no.2 being one of the member of M/s. Agarwal Associates Consortium executed Development Agreement dated 07.05.2007 with respondent no.3 "GDA".

- D. That the respondent no.2/PP without having the valid EC, CTE, CTO and other sanctions/permissions has started the development work and different type of buildings constructions in the said township.

**PRELIMINARY SUBMISSION:**

***UNDER GROUND WATER:***

1. Before guideline 2009 issued by CGWA only industries were under regulatory control of CGWA for extraction/use of underground water. A new setup of guideline was issued w.e.f. 20.10.2009 i.e. Guideline for evaluation of proposal/request for ground water abstraction for drinking and domestic purposes in

notified areas referred as guideline 2009. It confined its regulatory actions only to “notified areas”.

2. Chapter A part II of guideline 2009 said that permission will not be accorded for construction of tube well for agriculture, industrial, commercial, horticulture project and constructions purposes in notified areas.
3. In a report dated 12.02.2013 submitted by CGWA to Hon'ble NGT referring to guideline 2018 of CGWA retreated that state wise assessment of ground water resources was last assessed on 31.03.2009 which revealed 802 units in category of overexploited but there against only 162 units were notified and therein the extraction of ground water was made impermissible for any purpose other than drinking water. In the said list Rajapur Block district Ghaziabd is included and area of the integrated is comes Rajapur Block, situated at revenue village Shahpur Bamheta.

4. CGWA issued a new set of guideline – 2012 w.e.f. 15.11.2012. Chapter A with the title notified said that permission to abstract ground water through any energized means will not be accorded for any purpose other drinking water.
5. Subsequent to the CGWA guideline 2012 a draft guideline 2015 and guideline 2018 introduce by the CGWA but it has been declined by the NGT to do away with the practice of notification for assessment unit.
6. Guideline 2020 (24.09.2020) Introduce by the CGWA its para no.1 deals with exemption from seeking NOC. Para no.2 deals with NOC for drinking and domestic purposes for residential apartment/group housing societies etc. it says new and existing wells where government supply agency is unable to supply requisite amount of water in the area NOC should be granted subject to condition.
7. Para no. 4.3 of guideline 2020 deals with the infrastructure project. In case of infrastructure project

grant of NOC to such project located in over exploited assessment unit shall not be banned.

8. New infrastructure project/residential building may require dewatering during constructions activities and/or used ground water for construction in both cases applicant should seek NOC from CGWA before commencement of work, however, in over exploited unit use of ground water for constructions activities shall be permitted only, if, no treated sewage water is available within 10 kilometres radius of the site. New as well existing infrastructure shall also be required to seek NOC for extraction of ground water.
9. The NOC covers some other conditions as per prescribed from serial no. I to V under this para of guideline 2020.
10. PP has not obtained NOC for extraction of ground water during the development phase of township since 2007 to till date from CGWA.

11. PP has extracted/used the ground water for building construction activities as many group housing, mall, school etc. has built by PP since 2011.
12. PP has not obtained NOC for extraction of ground water for the drinking and domestic purposes from the CGWA, since the allottees are residing there 2015 itself.
13. The SEIAA has issued fresh EC dated 20.06.2024 for grant prior EC to the proposed project under the provision of EIA notification 2006 regarding integrated township project on land of khasra no. 1619, 1622, 1623, 1625, 1670, 1671/1, 1671/2, 1672, 1673, 2292, 2293, 2294, 2295, 2354, 2364, 2365, 2367, 2368, 2369, 2370, 2371,2372,2373, 2374, 2375 Sahpur bamheta, The area of these khasra were part of total township area of 185 acres for which development / infrastructure work commenced w.e.f. 2007 for which EC is obtained in 2024 which is invalid as it is ex-post facto in view judgment passed by Hon'ble Supreme

Court in the case Vanashakti Vs. Union Of India in writ petition ( c ) no. 1394 of 2023 dated 16.05.2025.

14. Further Respondent no. 3 "GDA" on 29.12.2023 has issued completion certificate including land of these above khasra for which license was issued in 2006 and DPR was approved 2007 the said fact was not disclosed by the respondent no.2.
15. That from the perusal of 4 NOCs dated 24.05.2024 it is found that following Information furnished by PP in the application form submitted on 11.11.2022 with Respondent no.7 for renewal of previous issued NOC valid from 05.12.2017 to 11.05.2022.
  - i. The said application the information of ownership is wrongly given and Mr. Prahlad Singh is a merely salaried employee of respondent no.2 PP. It is pertinent to mention here that the M/s. Agarwal Associates Consortium is the owner of the project as per Development agreement dated 07.05.2007.

- ii. The location furnished in the application with regard to Block is mentioned as Municipal Corporation which also wrong as the project site is situated at Rajapur Block, comes under Nagar Nigam Area.
- iii. The said NOCs are issued for infrastructure is wholly misconceives and wrong as the infrastructure activities have already started in the year 2007 and completed on 29.12.2023 as per completion certificate issued by Respondent no. 3 "GDA". Therefore, the present NOCs are obtained by the respondent no.2/PP on the basis of false information and liable to be rejected as per clause no. 7 and 12 of the said NOCs dated 24.05.2024.
- iv. That despite functioning of many STP within the 1 kilometres radius from this "Aditya World Township" such as High Tech Township, Land Craft Township and Sare Saamag Township and the said treated water shall be used by

respondent no.2/PP, however having the knowledge of the said fact the respondent no.7 has issued these impugned NOCs without citing any reason as to why the respondent no.2/PP cannot use the treated water for development/constructions purpose. Whereas the real truth is that the entire project completed and just to cover up lapses on the part of respondent no.2/PP the said NOCs are issued.

- v. That the these NOCs are issued on 24.05.2024 valid w.e.f. from 31.12.2023 to 12.05.2027 are ex-post facto in the law laid down by Hon'ble Supreme Court of India.
- vi. That further the above NOCs are not in continuation of earlier NOC which was expired long back on 11.05.2022 and PP was bound to apply for renewal of the same by filing a fresh application at least 90 days prior to expiry the said NOC.

- vii. That the neither respondent no.2/PP nor respondent no.7 have submitted the NOC issued for the period 05.12.2017 to 11.05.2022.
- viii. That the respondent no.7 has not inspected physically the site, therefore not in position to give factual report regarding the terms and conditions of the NOC issued for the period 05.12.2017 to 11.05.2022, as to whether the ground water has been used for the infrastructure work of the township or the same has been used for other than authorised purposes.
- ix. That the respondent no.7 failed to disclose in its report regarding the source of water used in the constructions of many large and tall building (residential /commercial) standing on the said township.
- x. That the respondent no. 7 further failed to disclose regarding extraction of ground water

and/or sources of water used during the period from 2007 to till date.

- xi. That the respondent no.7 further failed to disclosed in its report about the installation of the PIEZO METER, monitoring devises like telemetric system and flow meter.
- xii. That the respondent no. 7 further failed to disclose in its report on quality and quantity of ground water extracting by PP from 2007 till date.

That submissions made herein above may be read as rejoinder to the reply of contents in para 1 to 13 and the same are not repeated herein for the sake brevity.

In view of the facts and circumstances of the case, and the submissions made hereinabove, it is respectfully prayed that this Hon'ble Tribunal may pleased to:

- a) Affidavit submitted by the Respondent No. 7 is vague report and not considered relevant provision of law, therefore it is liable for rejection.

- b) To constitute and appoint the independent joint committee to ascertain the entire environmental damages cause by respondent no. 2.
- c) Pass any further order or direction that this Hon'ble Tribunal may deem fit, just and proper as per facts and circumstances in the interest of environment

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APPLICANT

Through

Place:

Date: 24.06.2025

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...Respondents

**NDOH : 01.07.2025**

**AFFIDAVIT**

I, Harish Yadav, S/o Shri Jagat Yadav, R/o 767, Shahpur,  
Bamheta, Dasna, Ghaziabad – 201002, Uttar Pradesh, do  
hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above noted case and  
am well conversant with the facts and circumstances  
of the case, as such am authorised and competent to  
swear this affidavit.



24 JUN 2025

2. That I have read the contents of the accompanying rejoinder be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.
3. That no part of it is false and nothing material has been concealed therein.

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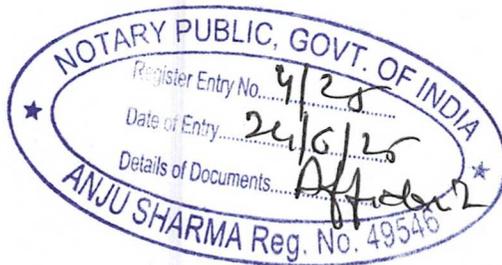
DEPONENT

**VERIFICATION :**

Verified at DELHI on \_\_\_\_\_ of June, 2025 that the content of the affidavit is true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed for the sake of brevity.

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DEPONENT



**ATTESTED**

Anju Sharma  
NOTARY PUBLIC  
DELHI (INDIA)

24 JUN 2025