

N.D.H.:23.02.2026

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH AT NEW DELHI

ORIGINAL APPLICATION NO.45 OF 2025

IN THE MATTER OF:

GAURAV AGARWAL

....APPLICANT

VERSUS

STATE OF U.P. AND OTHERS

....RESPONDENTS

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Place: New Delhi

Date: 19.02.2026

FILED BY:


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Applicant in person

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**REPLY ON BEHALF OF APPLICANT TO THE
COMPLIANCE AFFIDAVIT BY RESPONDENT NO. 4**

1. That by the present the Applicant herein has raised the issue of improper solid waste management in Indirapuram area of District Ghaziabad including the issue of waste water flowing in storm water drain and total non adherence to the Solid Waste Management Rules 2016 by the Respondent Municipal Corporation.
2. That it is submitted that the affidavit of compliance filed by the Respondent no. 4 is merely a paper compliance and its action does not speak of the compliance on the ground. The position of the solid waste is still as bad as it was at the time of filing of the OA. Even the places of which the photographs were attached in OA the Respondent no. 4 has failed to take any action any the situation continues to be the same. It is submitted that issue pertains to the entire area of Indirapuram and not limited to the places of which photographs were attached but Respondent no. 4 has failed in discharge of his duty.
3. That admittedly the Indirapuram scheme was transferred to the Ghaziabad Municipal Corporation (Respondent no. 4) on 06.09.2024 by the GDA (Respondent no. 5). However,

the affidavits filed by both the authorities are merely passing responsibility to each other causing environment degradation due to improper solid waste management and difficulty to the residents.

4. That affidavit filed by the GDA specifically denies in para no. 7 that the responsibility of adherence with the SWM Rules 2016 lies with the Respondent no. 4 since the scheme is transferred to it. That the affidavit of GDA further clearly states that the committee constituted by it has approved the transfer of the Indirapuram scheme to Respondent no. 4 with all infrastructure facilities and roads, sewer, drinking water, drains parks etc. The said affidavit states that in furtherance of the said transfer, out of the sum of Rs. 185 crore that was payable by GDA to Respondent no. 4, a sum of Rs. 150 crore was paid to the Respondent no. 4. Hence, the GDA clearly mentions that the responsibility of discharging the duties pertaining to collection, segregation and disposal of solid waste lies with the Respondent no. 4.
5. That the Respondent no. 4 has not filed any reply in denial to the affidavit filed by the GDA. Para 9 of the affidavit of Respondent no. 4 states that solid waste management was to remain with the GDA through its contractor M/s Nature Green Tools and Machines Pvt. Ltd. and for a maximum period of six months. However, in light of affidavit filed by the GDA the affidavit filed by GMC clearly appears to be false.

6. That the contents of para no. 9 admits that since 07.01.2025 no proper collection, segregation and disposal of the solid waste was being done. A perusal of the para no. 10 and 11 shows that the Respondent no. 4 was well aware of the prevalent situation of the area. In para no. 11 it mentions that Respondent no. 4 carried out inspection of the region which revealed that large accumulation of garbage at several prominent locations and that the agency employed by GDA failed to take collect around 1440 carts of garbage amounting to 17,228 tonnes and for which it also wrote to the said contractor agency on 16.11.2024.
7. That the Respondent no. 4 admits that due to the failure of the contractor agency it has employed its own personnel for collecting the garbage in November 2024 only. However, in para 9 it seeks defence on grounds that the agency stopped collecting the garbage suddenly on 07.01.2025. This clearly evidents that the Respondent no. 4 failed in taking necessary action and is still not taking the required steps for the remedy of the situation in the area.
8. That the Respondent no. 4 admits that it is has not complied with the statutory provisions of the SWM Rules 2016 in proper disposal of the garbage. The Respondent no. 4 and 5 both being local authorities in the area cannot seek refuge in the name of each other for compliance of the statutory provision.
9. That from the affidavit in reply it is clear that the Respondent no. 4 and 5 both have failed in discharge of

their duties. Respondent no. 4 have filed photographs of the areas after the removal of garbage in respect of areas mentioned in the OA. However, the said photographs and areas mentioned were only illustrative.

10. That it submitted that in **Municipal Council, Ratlam vs Shri Vardhichand and Others, 1980 (4) SCC 162** it has been held that the :...*A responsible municipal council constituted for the precise purpose of preserving public health and providing better finances cannot run away from its principal duty by pleading financial inability. Decency and dignity are non-negotiable facets of human rights and are a first charge on local self-governing bodies. Similarly, providing drainage systems- not pompous and attractive, but in working condition and sufficient to meet the needs of the people- cannot be evaded if the municipality is to justify its existence. A bare study of the statutory provisions makes this position clear....*”. Thus, Respondent no. 4 cannot hide behind Respondent no. 5 in discharge of its duty under SWM Rules.
11. That very recently in order dated 11.02.2026 in **Bhopal Municipal Corporation v. Dr. Subhash C. Pandey and others CA No. 6174 of 2023** Supreme Court has expressed its view regarding the solid waste management *“that the statutory mechanism is not yielding desired result because of several factors at the field level. Introduction of new rules, though a welcoming step, the authorities are expected to complete the spade work before the effective date sets in, otherwise Rules, 2026 will not be improving the ground reality.”* The said observation clearly throws light upon the failure of authorities.
12. That it is lastly to be submitted that contents of para 19 of the affiavit Respondent no. 4 apperas to be more

concerned in targeting the Applicant to either withdraw or not pursue the OA instead of carrying out its duty delignently. The Respondent no. 4 has alleged that Applicant being its panel lawyer ought not to have filed the present case as it gives rise to serious issue of conflict of interest.

13. That *firstly*, being a panel lawyer of Respondent no. 4 does not means that the Applicant has waived off his personal right to seek relief against the Respondent no. 4 where it failed to perform its statutory duty, any such understading of Respondent no. 4 is stuck by section 28 of the Indian Contract Act. *Secondly*, present OA is filed by the Applicant in person and is not holding any brief for any other party so as to give rise to issue of any conflict of interest. *Thirdly*, the Applicant has never appeared in any similar matter or any matter for Respondent no. 4. *Fourthly*, Applicant is merely a panel counsel and not a retained counsel so as to not to accept any brief or contest case against the Respondent no. 4, any emplanelment without any retainership fee/ consideration does not precludes the Applicant from appearing against the Respondent no. 4 and any such arrangement is void under law. *Fifthly*, under section 27 of the Contract Act any agreement of restrain of exercising lawful profession is void, and all the more, the Applicant herein is not appearing as a counsel but as party in person which in no case can be a conflict of interest. *Laslty*, the Respondent no. 4 has not explained what issue of conflict of interest has arisen by present OA being by Applicant. Thus, the

contents of para under reply are a soft threat to the Applicant than having any element of relevance for the disposal of present case.

14. That it will not be out of place to reproduce the observation of Supreme Court in **Municipal Council, Ratlam** in this respect :

“...The Magistrate found the facts proved, made the direction sought and scared by the prospect of prosecution under s. 188 I.P.C., for violation of the order under s. 133 Cr.P.C., the municipality rushed from court to court till, at last, years after, it reached this Court as the last refuge of lost causes. *Had the municipal council and its executive officers spent half this litigative zeal on cleaning up the street and constructing the drains by rousing the people's sramdan resources and laying out the city's limited financial resources, the people's needs might have been largely met long ago. But litigation with other's funds is an intoxicant, while public service for common benefit is an inspiration; and, in a competition between the two, the former overpowers the latter.*”

15. That in light of the submissions made, the Applicant prays that the OA be allowed with necessary direction to the Respondents to provide for proper collection, segregation and disposal of solid waste and take action against the persons throwing garbage and littering on public roads in accordance with the judgement of this Tribunal in case of **Ram Milan Sahani v. State of U.P. and Others OA No. 613 of 2022** dated 26.07.2024.


(GAURAV AGARWAL)

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AFFIDAVIT

I, GAURAV AGARWAL, aged about 40 years, Son of Sri Sudhir Agarwal, Resident of O-703, Aditya Mega City, Vaibhav Khand Indirapuram, Ghaziabad, U.P.-201014, presently at New Delhi, do hereby state on solemn affirmation as under:-

1. That the deponent is the Applicant in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That I have gone through the accompanying Reply from para 1 to 15 and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.

Solemnly affirmed on this 18th day of February, 2026 at New Delhi.

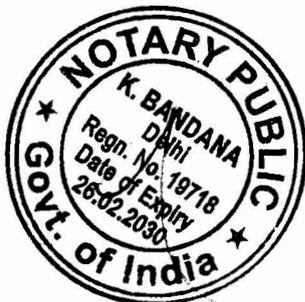
[Signature]
DEPONENT

IDENTIFIED

VERIFICATION :

Verified at New Delhi, on this 18th day of February, 2026 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT



19 FEB 2026

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India