

**BEFORE THE NATIONAL GREEN TRIBUNAL
AT NEW DELHI**

NORTHERN ZONE BENCH, NEW DELHI

I.A. No. 443 of 2024

IN

ORIGINAL APPLICATION NO. 1155 of 2024

KAUSHALENDRA KUMAR

...Applicant

vs

UNION OF INDIA & ORS.

...Respondents

INDEX

N.D.O.H.20.08.2025

S. No.	Particulars	Page No.
1.	Reply on behalf of the Applicant to the further Joint Committee Report dated 24.02.2025 submitted by the District Magistrate, Ghaziabad with supporting affidavit	1-27
2.	Annexure-1: Copy of the Office Order dated 13.01.2020 issued by CPCB	28-31

THROUGH:


R. JAWAHAR LAL

ENR. NO: D-933/1992

J-LAW OFFICES

ADVOCATES FOR THE APPLICANT

E-11, THIRD FLOOR, DEFENCE COLONY

NEW DELHI-110024

PH. NO. 9958996312

Email: Jawahar@jlaw.in

NEW DELHI

DATE: 19.08.2025

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REPLY ON BEHALF OF THE APPLICANT TO THE FURTHER
JOINT COMMITTEE REPORT DATED 24.02.2025
SUBMITTED BY THE DISTRICT MAGISTRATE,
GHAZIABAD

MOST RESPECTFULLY SHOWETH:

1. The present Reply is being filed to the Further Joint Committee Report (in short "**Joint Committee Report**") dated 24.02.2025 ").
(At Page No. 665 of the Record) submitted by the Committee comprising of the representatives of the Member Secretary, Central Pollution Control Board , Member Secretary, Uttar Pradesh Pollution Control Board Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrates of Hapur, Gautam Budh Nagar and Ghaziabad (in Short "**Joint Committee**).

Preliminary Objections:

2. At the Outset, the Joint Committee Report pertains only to an area of 52.331 Hectares. Out of which 37 hectares fall in the District of Hapur and 15.331 hectares in the District of Gautambuddh Nagar. It is stated in the report that no part of the the Hasanpur-Lodha Lake comes under the jurisdiction of the District of Ghaziabad. It is submitted that the demarcation and inspection by the Joint Committee has only been done of the Hasanpur lake and not the entire area of the Hasanpur-Lodha Wetland.
3. The Applicant, in the Original Application, submitted that the Hasanpur Lodha Wetland encompasses a water spread area of approximately 115 hectares, as recorded in the National Wetland Inventory and Assessment (NWIA) for the year 2006–2007, updated in 2017–2018 (*At Page Nos. 53 and 54 of the Original Application*). However, the Report fails to address the validity of this data or to specifically dispute the area as documented by the NWIA. Therefore, it is clear that the demarcation and inspection of the remaining 62.66 hectares were not undertaken by the Joint Committee. As such, the Report remains incomplete with respect to the assessment of the total area of the Wetland.
4. It is submitted that the Joint Committee was constituted by this Hon'ble Tribunal to examine the specific allegations raised by the

Applicant in the Original Application. However, the Committee has confined its Report primarily to the assessment of water quality in the Hasanpur Lake and the discharge of effluents through outlet drains connected to the lake from the Mussoorie-Gulawathi Industrial Area. The Report fails to take into account critical evidence and overlooks several allegations, including photographs submitted by the Applicant pertaining to the surrounding areas of Hasanpur Lake and the Hasanpur-Lodha Wetland. As a result, the Report appears to understate the actual environmental issue.

5. Furthermore, the Report presents an unduly favourable account of the operations of the Industrial Units (Respondent Nos. 17 to 38) situated in the vicinity of the Hasanpur-Lodha Lake, effectively suggesting that the allegations raised by the Applicant are unfounded and without merit. However, the Applicant's allegations are substantiated by photographic evidence and water quality test reports pertaining to samples collected from various sources, including groundwater, the lake, and hand pumps located in and around the Hasanpur-Lodha Wetlands and adjoining areas.
6. It is respectfully submitted that Hasanpur Lake constitutes only a portion of the larger Hasanpur-Lodha Wetland and is not the sole water body within the said wetland. The Applicant had specifically enumerated various violations occurring within the Hasanpur-

Lodha Wetland and its surrounding areas, including the accumulation of toxic and hazardous water in public parks, as well as the depletion and contamination of the groundwater table. However, the Report fails to address or acknowledge these critical issues as given below:

- a. That there is a common and illegal practice of dumping and burning of untreated, toxic and poisonous effluents/ industrial wastes/ hazardous waste in open common area near the Hasanpur-Lodha Wetland.
- b. That the untreated, toxic and poisonous effluents discharged gets accumulated on vacant industrial land, designated green belts/ parks within the industrial area etc. owing to physiographic features i.e. low lying areas within the entire wetland apart from the land-locked nature of the area due to physical barriers created by man-made interventions as specifically highlighted through the Digital Elevation Model (DEM) of the area.
- c. That there is illegal extraction of ground water by the Respondent Industrial Units (Respondent No. 17 to 38) causing the ground level to deplete and affecting the livelihood of the villages nearby.
- d. That the untreated, toxic and poisonous effluents discharged and gets accumulated in the areas eventually flows into the water bodies and contaminated the ground water.

- e. That the Industrial units have not installed display boards to display the information relating to water and air emissions and wastes especially hazardous wastes generated by such Industrial Units which is a mandatory requirement.
- f. That large areas of the agricultural land were being converted into industrial purpose outside the Mussoorie-Gulawathi Industrial Area which included respondent No. 27, 30, 31, 32, 33 and 34.
- g. That untreated wastewater from the respondent Industrial Units (Respondent Nos. 17 to 38) and other industrial units is being directly discharged into the water bodies of Hasanpur-Lodha Wetland.

It is submitted that the report does not deal with any of the above-mentioned allegations made by the Applicant in the Original Application.

- 7. Therefore, in light of the aforesaid omissions and deficiencies in the Report, the very objective behind the constitution of the Joint Committee stands defeated. It is thus submitted that a fresh, impartial, and comprehensive investigation is warranted—one that thoroughly examines all relevant facts, undertakes site visits to all significant locations, and duly considers the concerns raised by the Applicant along with the evidence placed on record and issue appropriate directions to the Respondents.

Brief facts:

8. That the Applicant filed an Original Application, raising substantial questions relating to the Environment and seeking gracious intervention of this Hon'ble Tribunal, against:
 - a. Large scale, uncontrolled, unrestricted, unlawful and illegal environmental and ecological exploitation and degradation in Hasanpur-Lodha wetland (largest wetland in NCR) and surrounding areas, falling in-districts: Ghaziabad, Hapur and Gautam Buddha Nagar, Uttar Pradesh.
 - b. Flagrant violation of provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Wetlands (Conservation and Management) Rules, 2017 and Rules framed under the said enactments, by Industrial Units (Respondent Nos. 17 to 38) operating in and around the Mussoorie-Gulawathi Industrial Area, in close proximity to the Hasanpur-Lodha Wetland and by the developers/ builders (Respondent Nos. 39 to 49);
 - c. Unauthorized and illegal occupation of land, encroachments, dumping of sand & construction waste in and around Hasanpur Lake and blocking of overflow drains and discharge of untreated wastewater into Hasanpur Lake and wetland (largest wetland in NCR) by Respondent Nos. 17 to 49,

causing multiple serious health issues/ailments as a direct consequence of toxicity in Hasanpur Lake, wetland and ground water.

- d. Illegal abstraction of ground water without any NOC or Registration from the Ground Water Department of State of Uttar Pradesh which is leading to the depletion of the ground water level in the area.
 - e. Inaction on the part of the respondent Government Authorities/ Bodies (Respondent Nos. 01 to 16) to the aforesaid illegal acts and violations; and
 - f. As a result, the ultimate consequence is that the largest wetland of the NCR and the productive agricultural land of the applicant and other villagers is getting severely affected.
9. Based on the submissions made by the Applicant in the Original Application, The Hon'ble tribunal by the order dated 19.09.2024, was pleased to constitute a Joint Committee comprising the representatives of the Member Secretary, Central Pollution Control Board (**CPCB**), Member Secretary, Uttar Pradesh Pollution Control Board (**UPPCB**), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. It was also ordered by this Tribunal that the District Magistrate of Ghaziabad will act as the nodal agency.

10. The Joint Committee so constituted was directed to visit the Hasanpur-Lodha Wetland and ascertain the truthfulness of the allegations made by the Applicant. The para 7 of the order dated 19.09.2024 is reproduced below for ease of reference.

“7. Joint Committee will visit the site, and ascertain the truthfulness of the allegations, the sources of pollution in the wetland in question and the extent of industrial effluent flowing/discharged in the wetland. Joint Committee will get the water sample analysis of the wetland in question done, will obtain the original record indicating the area of the wetland reflected in the record and will also ascertain the existing area of the wetland to find out the extent of encroachment which has been done thereupon. The Joint Committee will complete this exercise within a period of two months and will submit the report immediately thereafter.”

11. It is evident from the aforementioned paragraph of the order that the Hon'ble Tribunal, by constituting the Joint Committee, intended to verify the veracity of the allegations made by the Applicant concerning violations of environmental norms in relation to the Hasanpur-Lodha Wetland, allegedly committed by the Respondent Industrial Units (Respondent Nos. 17 to 38). The Committee was further directed to collect water samples from the wetland and test it to check for the quality of the water and determine the existing area in order to assess the extent of any encroachment. The Joint committee subsequently submitted their

report dated 09.01.2025 (in short "**First Report**"). (*At Page No. 381 of the Record*)

12. The First Report presented an inaccurate and misleading portrayal, suggesting that the industrial and developmental activities were benign and raised no environmental concerns. This Hon'ble Tribunal found the report to be perfunctory and incorrect, holding that it failed to present a true and complete picture of the situation. The Hon'ble Tribunal further observed that the report was silent on the manner and extent of discharge of industrial effluents, despite the fact that the industries in operation are of the kind that typically generate substantial quantities of effluents. Additionally, the First Report stated that demarcation could not be completed due to the absence of the District Magistrates of Hapur and Gautam Budh Nagar during the inspection.

13. Subsequently on 10.01.2025, the Hon'ble Tribunal made the District Magistrate of Hapur and Gautam Budh Nagar also a part of the Joint Committee to facilitate the complete demarcation of the wetland. It was also directed to submit a further report covering all aspects of allegations made by the Applicant pertaining to the Hasanpur- Lodha Wetland and surrounding areas.

14. In compliance with the order of 10.01.2025, the Joint Committee filed the Further Joint Committee report by the District Magistrate, Ghaziabad dated 24.02.2025.

Further Joint Committee Report dated 24.02.2025

15. At the outset, the Applicant respectfully submits that the Joint Committee Report filed before this Hon'ble Tribunal is incomplete. It is submitted that the scope of the Joint Committee Report is confined solely to the issue of discharge of pollutants into the Hasanpur Lake. The Applicant submits that several serious concerns were raised, supported by photographic evidence, highlighting prohibited activities being carried out within the Hasanpur-Lodha Wetland in violation of the Wetlands (Conservation and Management) Rules, 2017. However, the Joint Committee Report is conspicuously silent on these aspects.

Demarcation of the Hasanpur-Lodha Wetland

16. The Applicant respectfully submits that the Hasanpur-Lodha Wetland, located within the National Capital Region (NCR), is the largest wetland in the region, with a water spread area of approximately 115 hectares as per the National Wetland Inventory and Assessment. This inventorization was conducted by the Space Applications Centre (ISRO), Ahmedabad, in collaboration with the respective State Remote Sensing Applications Centre and

academic institutions. (*Annexure A-1 at page 53 of the Original Application*). The area of the Hasanpur-Lodha Wetland, as inventorized by the NWIA, stood at 115 hectares, as updated till 2017-18.

17. At this stage, it is respectfully submitted that the Joint Committee Report is incomplete insofar as it relates to the total area of the Wetland. The Joint Committee Report has only accounted for an area of 52.331 hectares, which pertains to the Hasanpur Lake and not the entire Hasanpur-Lodha Wetland. Moreover, the Joint Committee Report states that a Higher Primary Vidyalaya and a Government School are operating on 0.398 hectares within the said area of the lake and claims that, apart from the school, the lake is free from encroachments.
18. It is also important to note that the Joint Committee, in its Report submitted before this Hon'ble Tribunal, has neither disputed nor offered any correction or rebuttal to the findings of the NWIA with respect to the area of the Hasanpur-Lodha Wetland. Despite the existence of these official records as accepted by the Ministry of Environment, Forest and Climate Change, the Committee has limited its assessment to an area of only 52.331 hectares, without providing any justification for disregarding the NWIA data. Such

an omission undermines the completeness and credibility of the Joint Committee Report.

19. It is reiterated that the Joint Committee was constituted by this Hon'ble Tribunal with the specific mandate to ascertain the veracity of the allegations raised, identify the sources of pollution affecting the Wetland, and determine the extent of industrial effluent being discharged into the Wetland and surrounding areas. Additionally, the Joint Committee was directed to collect and analyze water samples from the Wetland, procure original records indicating the notified area of the Wetland, and ascertain its current area in order to assess the extent of any encroachments.

20. It is respectfully submitted that the Report fails to take into account the entire expanse of the Hasanpur-Lodha Wetland and restricts its assessment to only a fraction thereof, i.e., 52.331 hectares. Consequently, the Report does not determine the existing total area of the Wetland. In doing so, the Joint Committee has failed to effectively discharge the duties entrusted to it by this Hon'ble Tribunal, particularly with respect to ascertaining the full extent of the Wetland and identifying any encroachments thereupon.

Illegal Abstraction of Ground water.

21. The Applicant had submitted that there has been a noticeable decline in the groundwater levels in the Hasanpur-Lodha area,

which is attributable to the illegal extraction of groundwater for commercial purposes by the Respondent Industrial Units (Respondent Nos. 17 to 38).

22. It is submitted that the Joint Committee, during its inspection of the Respondent Industrial Units (Respondent Nos. 17 to 38) with respect to wastewater emissions and effluent discharges, failed to verify the legality of the water sources being utilized by the said Respondents.
23. It is further submitted that in the reply filed on behalf of Respondent No. 10, Ground Water Department, Government of Uttar Pradesh, dated 08.01.2025, it has been stated in paragraph 5 of the reply that out of 21 industrial units operating in District of Hapur, only six have obtained No Objection Certificates (NOCs)/registration from the District Groundwater Management Council, Hapur, for the extraction of groundwater. The remaining 15 industrial units (Respondent Nos. 18, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 35, 36, and 37) have been operating in the District of Hapur without obtaining the requisite NOCs/registration from the Ground Water Department.
24. It is, therefore, a matter of serious concern that the Report filed by the Joint Committee does not make any reference to the illegal extraction of groundwater by the aforesaid Respondents,

particularly when the reply of Respondent No. 10, Ground Water Department, Government of Uttar Pradesh, was already on record as of 08.01.2025, and the Joint Committee was directed by this Hon'ble Tribunal on 10.01.2025 and filed only on 24.02.2025 which raises a question on the credibility of the report filed regarding these aspects.

Failure of the Joint Committee to Address Illegal Industrial Activities, Unlawful Land Use, and Pollution Affecting the Hasanpur-Lodha Wetland

25. It is respectfully submitted that the Joint Committee Report suffers from serious infirmities as it has failed to take into consideration the specific and material averments placed on record by the Applicant with respect to the Illegal Industrial Activities, Unlawful Land Use, and Pollution Affecting the Hasanpur-Lodha Wetland.
26. It is further submitted that the Report is conspicuously silent on the issue of illegal industrial operations being carried out outside the Mussoorie-Gulawathi Industrial Area, wherein agricultural lands have been unlawfully converted to industrial use without obtaining requisite permissions from the competent authorities. This includes Respondent Nos. 27, 30, 31, 32, 33, and 34. Certain industrial units have even been established within the Wetland area and along the banks of the Upper Ganga Canal. Such illegal land use conversions

are in direct contravention of Rule 4 of the Wetlands (Conservation and Management) Rules, 2017, and the same has not been acknowledged or addressed by the Joint Committee.

27. The Joint Committee has also failed to take cognizance of the nature of industrial activities being undertaken by Respondent Nos. 17 to 38, which *inter alia* include metal works, rubber, steel, chemical/polymers, leather, food/meat processing, and beverage manufacturing all of which involve the use, handling, and storage of hazardous substances. The environmental risks posed by such activities have not been adequately assessed or reported upon in the Joint Committee's findings.

28. It is submitted that the Joint Committee Report has completely overlooked the grave and continuing violations committed by the said industrial units, including the brazen discharge and dumping of untreated effluents, industrial waste, and hazardous waste into open areas and directly into water bodies, including the Hasanpur Lake and the Upper Ganga Canal. The possibility of such discharges being carried out through concealed pipelines has also been ignored. Pertinent photographic evidence annexed by the Applicant (*Annexures A-6, A-7, and A-8 from page 64 in the Original Application*) remains unaddressed in the Joint Committee Report.

29. The Joint Committee Report further fails to record the non-compliance of the Respondent Industrial Units (Respondent Nos. 17 to 38) with the mandatory requirement of installing display boards reflecting data on water and air emissions, and waste especially hazardous waste as required under environmental laws and guidelines.
30. It is further submitted that the report has not addressed on the aspect of whether display boards are present in the concerned Respondent Industrial Units. The Joint committee had failed to inspect the industries which manufacture or deal with hazardous substances and ensure that the display boards are operational. This Hon'ble Tribunal has by order dated 26.08.2019 in O.A 804 of 2017 directed the CPCB, SPCB, PCC to ensure this compliance in any inspections taking place of industries producing hazardous substances. Subsequently the CPCB has issued an Office Order dated 13.01.2020 directing the procedure to be followed with respect to display boards in such industrial units in the future failing which strict actions would be taken on the concerned officers. A copy of the Office Order dated 13.01.2020 issued by CPCB is annexed as **Annexure-1**.
31. Additionally, the Report does not deal with the rampant and illegal practice adopted by several Respondent Industrial Units, both within and outside the Mussoorie-Gulawathi Industrial Area, of

dumping industrial waste including hazardous waste in open areas and subsequently burning the same, causing severe air pollution. Despite photographic documentation submitted by the Applicant (*Annexure A-9 at page 74 of the Original Application*), the Committee has not investigated or reported on this critical issue.

32. In view of the foregoing, it is most respectfully submitted that the Joint Committee Report is deficient, perfunctory, and non-compliant with the directions issued by this Hon'ble Tribunal. It has failed to take into account several crucial facts and violations that were duly brought on record by the Applicant through detailed pleadings and substantiated evidence.

Open Drains

33. It is respectfully submitted that although the Joint Committee Report has acknowledged the existence of an open and inadequate industrial drain network in the Mussoorie-Gulawathi Industrial Area, its findings fall short of addressing the critical consequences of such systemic inadequacies on the environment and, more particularly, on the Hasanpur-Lodha Wetland and adjoining agricultural land.
34. The Joint Committee Report merely notes that the existing stormwater drain network is insufficient and recommends its replacement with a new system. However, it fails to examine or

comment upon the grave environmental degradation already caused due to the continued overflow and leakage of industrial effluents from this dilapidated drainage system.

35. The overflow from these industrial drains has been entering adjoining agricultural fields, including that of the Applicant, causing irreversible damage and rendering the land unfit for cultivation. Moreover, due to the elevated positioning of the base of the industrial drains compared to surrounding land, seepage and percolation have exacerbated the contamination of soil and groundwater.
36. The Joint Committee Report further notes that the outlet of the industrial area ultimately connects to the Hasanpur Drain, which flows into the Hindon River via the Kot Escape in Greater Noida. However, the report fails to acknowledge that the physiographic and hydrological characteristics of the Hasanpur-Lodha region, particularly the lower elevation of natural water bodies such as the Hasanpur Lake, result in the accumulation and eventual entry of untreated effluents into these ecologically sensitive areas.
37. The Applicant has placed on record photographic and laboratory evidence (*Annexures A-10 to A-13 in page 75 to 125 of the Original Application*), including analysis of water and soil samples, showing the presence of heavy metal contamination and high toxicity levels

in both the soil and groundwater. This directly rebuts the Joint Committee's failure to assess the downstream impacts of drainage failure and points to ongoing and continuing environmental degradation.

38. Moreover, the proposal made by U.P. State Industrial Development Authority (UPSIDA) vide letter dated 17.02.2025, enclosing a plan prepared by IIT Kanpur for "*Construction of External & Internal RCC Drain and Box Culvert at I.A. Masuri Gulawati Road (Phase I, II & III) District Hapur*" is prospective in nature. It neither addresses the environmental damage already caused nor absolves the continuing failure to mitigate the existing situation.

Unauthorized construction and dumping of Construction waste

39. At the outset, it is respectfully submitted that the observations of the Joint Committee Report stating that "*no industrial wastewater, C&D waste, solid waste etc. were found being disposed of in Hasanpur Lake*" and that "*no construction activities were found being carried out*" are wholly contrary to the material and photographic evidence placed on record by the Applicant.
40. The Applicant has already annexed multiple photographs demonstrating large-scale dumping of construction and demolition waste directly into the Hasanpur Lake, clearly evidencing illegal encroachment and shoreline displacement. These photographs

(Annexure A-14 in page no. 126 to 132 of the Original Application)

depict active and sustained environmental violations, including unauthorized and illegal construction activities around the Hasanpur-Lodha wetland.

41. Despite these records being annexed with the Original Application, the Joint Committee has not dealt with or even acknowledged any of the photographic evidence on record.
42. Accordingly, the Applicant submits that the Further Joint Committee Report may be disregarded, and a direction may kindly be issued for a fresh, independent, and comprehensive inquiry into the matter by a duly reconstituted Committee.

Para-wise reply:

- 1-4. I state that the contents of Para of the Further Joint Committee Report are matters of record. Hence no reply is being submitted by the Applicant.
5. That the contents in para 5 of the Further Joint Committee Report are not denied as it pertains to the government records pertaining to Hasanpur Lake. But it is reiterated that the Joint Committee was constituted for the demarcation and inspection of the allegations taking place in the Hasanpur-Lodha Wetlands made by the Applicant in the Original Application. The Further Joint

Committee Report has limited itself to the demarcation of only the Hasanpur Lake and not the entire 115 hectares of the Hasanpur-Lodha Wetlands.

6. That the contents of para 6 of the Further Joint Committee Report are not denied as it pertains to the inspection/demarcation exercise undertaken by the Joint Committee at the Hasanpur lake. But It is amply clear from this paragraph that the Joint committee has only inspected the Hasanpur lake and not any surrounding areas
7. That the contents of para 7 are not denied being part of government records. But is stated that the Joint Committee has not given any details regarding the previous area of the Hasanpur lake as a reference to identify if the shoreline has decreased or not. It was one of the specific allegations by the Applicant that the shoreline of the lake has reduced due to illegal dumping. There is nothing in the Joint Committee Report to substantiate that the area of the Hasanpur Laker has not reduced than the previous years.
8. That the contents of para 8 are not denied as it pertains to the water testing done of the Hasanpur Lake by the Regional Laboratory of UPPCB, Ghaziabad. But it is submitted that the Applicant has placed on record specific water and soil tests done by the Applicant himself and has been placed before this Hon'ble Tribunal.

9. That the contents of the para 9 are not denied as it pertains to the observations made by the Joint Committee with respect to the inspections of the industries. Inspection report is disputed that there are as per the Report of Respondent no. 10 it is stated that out of 21 industrial units operating in District of Hapur, only six have obtained No Objection Certificates /registration from the District Groundwater Management Council, Hapur, for the extraction of groundwater. The remaining 15 industrial units (Respondent Nos. 18, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 35, 36, and 37) have been operating in the District of Hapur without obtaining the requisite NOCs/registration from the Ground Water Department.
10. That the contents of para 10 are not denied to the extent that the open drains are not adequate and that the overflow of the industrial drains are being accumulated in the nearby parks and green belt. It is also not denied that UPSEIDA has proposed a plan to rebuild the drains in the Industrial Area. But is submitted that while the absence of adequate drains is accepted by the Joint Committee, it has not been ascertained by the Joint Committee on the level of pollution that has already occurred in due to the overflow of the effluents flowing through the industrial drains outside. The Joint Committee has failed to check the current levels of pollutions occurred due to the over flow of these drains. Further, in the letter

dated 17.02.2025 by the UPSIDA for the construction of RCC drain, UPSIDA also has (*At Page no. 795 of the records*) annexed photographs dated 20.09.2024 during their inspection on the area for the estimate for the above said construction of the RCC drains. These photographs also showcase the condition of the drains due uncontrolled discharge of waste through these drains.

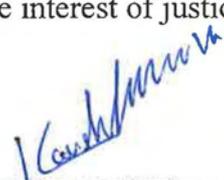
11. That the contents of para 11 are denied as the Applicant has placed specific pictures with respect to the dumping of waste including hazardous and C&D waste (*Annexure-9 and 14 in page no. 74 and 126 of the Original Application*). It is submitted that the Joint Committee has failed to consider the proofs placed on record along with the Original Application.
12. That the contents of para 12 are not denied being observation made by the Joint Committee during the course of inspection. It is also submitted that the said analysis report has not been placed on record before this Hon'ble Tribunal.
- 13-15. That the contents of para 13-15 are not denied as it pertains to the recommendation made by the Joint Committee based on their observations. But it is reiterated that the Inspection was incomplete as the report only covers the Hasanpur Lake and not the Hasanpur-Lodha Wetland area. The recommendation ought not be accepted by this Hon'ble Tribunal being incomplete.

43. In view of the above circumstances, it is most respectfully submitted that the Joint Committee Report submitted is incomplete, perfunctory, and fails to meet the standards of a fair, objective, and comprehensive assessment as directed by this Hon'ble Tribunal. The Committee has disregarded substantial documentary, photographic, and ground-level evidence of ongoing and serious violations, including illegal construction, encroachment, and unchecked pollution affecting the Hasanpur-Lodha Wetland and its surrounding ecosystem.
44. The Report also fails to evaluate the cumulative ecological consequences of these actions, thereby contravening the principles of environmental jurisprudence including the precautionary principle and the polluter pay principle.

It is respectfully prayed that the Joint Committee Report be set aside, and directions be issued,

- i. Directing the Respondent Authorities to carry out a complete demarcation of the Hasanpur-Lodha Wetlands;
- ii. Restraining any sale or transfer of land within the buffer zone of the Hasanpur-Lodha Wetlands for commercial purposes until such demarcation is completed;
- iii. Appointing a Local Commissioner to conduct a fresh investigation into the allegations raised by the Applicant in the Original Application;

- iv. Directing Respondent No. 2 to carry out an inspection of Respondent Nos. 17 to 38 industrial units and issue appropriate directions/orders against non-compliant industries;
- v. Directing Respondent No. 10 to initiate appropriate action against the 15 industrial units (Respondent Nos. 18, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 35, 36 and 37) operating without obtaining requisite NOCs/registrations with respect to Ground Water Extraction from Respondent No. 10;
- vi. Pass such other or further orders/directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice.


KAUSHALENDRA KUMAR
APPLICANT

THROUGH:


R. JAWAHAR LAL
ENR. NO: D-933/1992
J-LAW OFFICES
ADVOCATE FOR THE APPLICANT
E-11, THIRD FLOOR, DEFENCE COLONY
NEW DELHI-110024
PH. NO. 9958996312
Email: Jawahar@jlaw.in

NEW DELHI

DATE: 19.8.2025

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AT NEW DELHI**

NORTHERN ZONE BENCH, NEW DELHI

I.A. No. 443 of 2024

IN

ORIGINAL APPLICATION NO. 1155 of 2024

KAUSHALENDRA KUMAR

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VS

UNION OF INDIA & ORS.

...Respondents

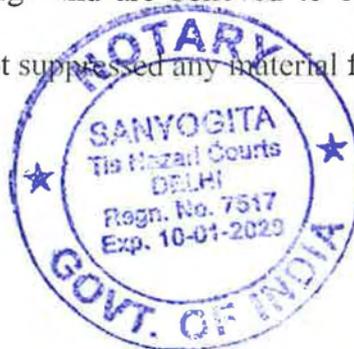
AFFIDAVIT

I, Kaushalendra Kumar, son of Late Sh. Surendra Pal, aged about 45 years, Village Hasanpur, PO - Hasanpur, Tehsil Dhaulana, District Hapur, Uttar Pradesh, presently at New Delhi, do solemnly affirm and state as under:

1. That I am the Applicant in the present matter, and I am fully conversant with the facts and circumstances of the present case and hence competent to swear the present affidavit.

2. I have read and understood the contents of the accompanying reply, which maybe kindly read as part and parcel of the present affidavit.

I do hereby verify that the contents of accompanying reply are true to my personal knowledge and are believed to be true on legal advice and that I have not suppressed any material fact.



3. The annexures are the true copied of their respective original.

[Signature]
I identified the executant who
has signed in my presence

[Signature]
DEPONENT

VERIFICATION:

Verified at New Delhi, on this the 19 day of AUG 2025 that the contents of the foregoing affidavit are true and correct to my knowledge and belief. The legal submissions made are on the basis of the legal advice received by me, which I believe to be true and correct. No part of it is false, and nothing material has been concealed therefrom.

[Signature]
DEPONENT



ATTESTED
[Signature]
NOTARY PUBLIC DELHI
19 AUG 2025



Central Pollution Control Board

(Ministry of Environment, Forest & Climate Change, Government of India)
Parivesh Bhawan, East Arjun Nagar,
Shahdara, Delhi - 110032

F.No. B-29016-NGT/C-08/2020/WM-II/Div.1/1849

January 13, 2020

OFFICE ORDER

Hon'ble NGT vide its orders dated 26.08.2019 in O.A. No. 804/2017 in the matter of Rajiv Narayan & Anr. Vs. Union of India & Ors, has directed CPCB/SPCBs/PCCs to verify display board while carrying out industry inspection and the same is reproduced as below to take immediate action:

"The verification of the updation of display board should be an integral part of any inspection carried out by CPCB/SPCBs/PCCs without exception. In case of non-compliance the concerned officer should be subjected to departmental actions. (Immediate)"

It is in reference to one of the orders of the Hon'ble Supreme Court in the matter of Writ Petition WP(C) No. 657/1995; Research Foundation for Science, Technology and Natural Resource Policy vs. Union of India & Ors, that "SPCBs/PCCs should ensure that all industries involved in hazardous chemicals and generating hazardous wastes should display online data outside the main factory gate, on quantity and nature of hazardous chemicals being used in the plant, water and air emissions and solid waste generated within the factory premises. If such data is not made available, the unit should be asked to show cause or even be asked to close down".

A sample display board for display of information related to water, air emission and wastes generated within the factory premises is given at Annexure-I.

In this regard, all the CPCB officials who involved in industrial inspections are requested to comply with the aforesaid Hon'ble NGT direction and provide the status of compliance and action taken report w.r.t verification of display board outside factory gate while carrying out any type of inspection of industries, as per the enclosed format (Format-I) to Waste Management - II division on a monthly basis (January, February and March 2020).


(Abhey Singh Soni)
Additional Director & Head
Waste Management-II Division

To

1. The Divisional Heads
(AQM, Air Lab, UPC-I & UPC-II, WQM-I,
WQM-II, WM-I, WM-III, IPC-I, IPC-II, IPC-III,
IPC-IV & V, IPC-VI & VII)

: For necessary compliance and forwarding action taken report, please.

- ✓ 2. The Divisional Head- I.T

: For uploading on CPCB website

SO (I.T) [Signature]
[Signature]

3. The Regional Director
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru - 560 010
4. The Regional Director
Central Pollution Control Board
4th Floor, Sahkar Bhawan
North T T Nagar Bhopal - 462 003
5. The Regional Director
Central Pollution Control Board
Southern Conclave, Block 502,
5th & 6th Floors 1582 Rajdanga Main Road
Kolkata - 700 107 (West Bengal)
6. The Regional Director
Central Pollution Control Board
Ground Floor, PICUP Bhawan,
Vibhuti Khand, Gomti Nagar
Lucknow - 226 010
7. The Regional Director
Central Pollution Control Board
"TUM-SIR". Lower Motinagar
Near Fire Brigade H.Q.,
Shillong - 793 014
8. The Regional Director
Central Pollution Control Board
Parivesh Bhawan, Opp. VMC Ward Office No.
10, Subhanpura, Vadodara-390 023
9. The Regional Director (**Chennai**)
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan
A-Block, Thimmaiah Main Road
7th D Cross, Shivanagar, Opp.
Pushpanjali Theatre, Bengaluru - 560 010
10. The Regional Director (Pune)
11. The Regional Director (Chandigarh)

*: For necessary compliance and
forwarding action taken report,
please*

ANNEXURE-I

Sample Display Board

Proforma for display of information related to Air, Water and Hazardous waste generation

- (i) Name of the Industry/Facility with contact details
(as per the Consent to Establish/Operate) :
- (ii) Date of update of display :
- (iii) Details of updated consent to Operate and Authorization with validity :
- (iv) Details of operational status : Operational/ Non-operational
- (v) Production Details :

S.No	Products manufactured (including Recycling/ Utilization)	Details of Hazardous Chemicals used with quantity and purpose	Type of HW generated with category as per HOWM Rules,2016	Quantity of HW generated, stored and disposed	Mode of treatment and disposal (Pre-processing, Co-processing recycling/Utilizing/reuse / SLF/incinerator etc.)

(vi) Air Emission:

S.No.	Source of Air Pollution (Ex. Boiler/DG sets/Furnace with capacity in ltr/kg, type of fuel etc).	Air Pollution Control Devices (APCD devices with stack height)	Parameters monitored w.r.t. Air Pollution (PM, CO, SO ₂ , NO _x , etc.)	
			Monitored data	Limits/Standard prescribed by SPCBs/CPCB

*OCEMS Connectivity details(Date of Installation and operational Status):

(vii) Effluent discharge:

S.No.	Source of Effluent Discharge with Quantity (ex: process waste water, domestic effluent etc.)	Treatment method (ETP with capacity or any other method)	Mode of disposal of treatment effluent (Drain/sewer/land etc.)	Effluent discharge Monitoring (pH, COD, BOD, TSS, etc.)	
				Inlet	Outlet

*OCEMS Connectivity details(Date of Installation and operational Status):

FORMAT-I**Format for sending compliance status and Action Taken Report on 'Verification of Display information outside the factory gate'****(I) Verification of display board outside factory gate:**

Sl. No	Name of the unit with complete postal address	Sector and category of the unit (Pharma/dye/tannery etc., & small/medium/large/red, orange, green, white)	Purpose, Date of inspection and name of inspecting official	Whether Display Board is installed (Yes/No) (Photographs be enclosed)	Whether information on Display Board is updated (Yes/No)	Remarks, if any

(II) a) Whether any action has been taken against the defaulting units (viz.. Directions (show cause/closure to the concerned units, or forwarding inspection report to concerned SPCB/PCC to take necessary action against such defaulters etc..)) : (Yes/No)

b) If yes, send details of the action taken against the defaulting units, to WM-II Division.

(III) a) In case of non-compliance by the inspecting officer, whether any departmental action has been taken against the non-complying officer in this regard? : (Yes/No)

b) If yes, please provide the details of action taken against non-complying officer to WM-II Division (Departmental Memo, etc..)

The above status of compliance and action taken report may be forwarded to WM-II division on a monthly basis (January, February and March 2020)