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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

(PRINCIPAL BENCH, NEW DELHI)

ORIGINAL APPLICATION NO. 177/2022



IN THE MATTER OF:

ABHISTHA KUSUM GUPTA

APPLICANT

VERSUS

STATE OF U.P. & ORS.

RESPONDENTS

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Date:07/04/2026

THROUGH

Place: New Delhi



*Priyanka...*

Priyanka swami  
Advocate

Standing Counsel For State of U.P.



F-13, Jangpura, New Delhi 110014

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**ABHISTHA KUSUM GUPTA**

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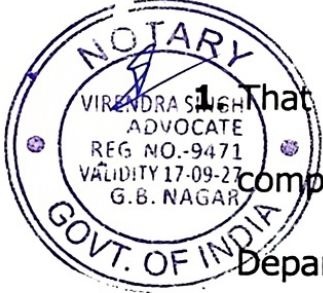
**RESPONDENTS**

**REPLY ON BEHALF OF PUBLIC WORKS DEPARTMENT (PWD),**

**U.P. WITH AFFIDAVIT**

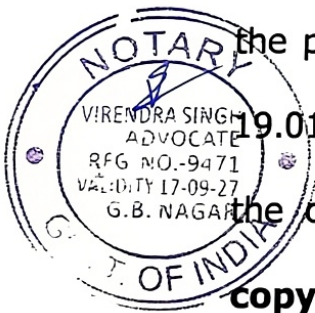
I, Tajwar Hasan, aged about 53 years, S/o lt Ibneq Hasan,  
presently posted as Assistant Executive Engineer, Provincial Division, Public Works  
**NOTARY**  
Department (PWD), GautamBudh Nagar, Uttar Pradesh, having my  
office at GautamBudh Nagar, do hereby solemnly affirm and state as

under:



1. That I am the deponent herein and am duly authorized and competent to swear this affidavit on behalf of the Public Works Department. I am well conversant with the facts and circumstances of the present matter based on official records.

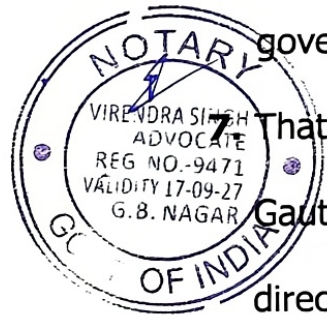
2. That the present affidavit is being filed in compliance with the order dated 19.01.2026 passed by this Hon'ble Tribunal, wherein certain information was sought regarding the condition, maintenance, and preservation of ponds.
3. That the answering Respondent respectfully submits that the Office of the Executive Engineer, Provincial Division, Public Works Department (PWD), GautamBudh Nagar, had issued a formal communication to the District Magistrate, Gautam Buddha Nagar, placing on record the position of the department in relation to the subject matter of the present proceedings.
4. That the said communication bearing Letter No. 6/8/5MG dated 06.03.2026, issued from the Office of the Executive Engineer, Provincial Division, PWD, GautamBudh Nagar, specifically refers to the proceedings before this Hon'ble Tribunal and the order dated 19.01.2026, wherein an affidavit was directed to be filed regarding the condition, maintenance and preservation of ponds. **A true copy of the Letter No. 618/5MG dated 06.03.2026, issued from the Office of the Executive Engineer, Provincial Division, PWD, GautamBudh Nagar is annexed herewith and marked as Annexure–P/1.**



A handwritten signature in blue ink, consisting of a stylized, cursive script.

5. That in the aforesaid communication, it has been unequivocally stated that the Public Works Department does not have any statutory, administrative or functional mandate with respect to the maintenance, preservation or upkeep of roadside ponds or other water bodies. It has been further clarified that there exists no provision under the governing rules or departmental framework authorizing the PWD to undertake such activities and, accordingly, no such maintenance or preservation work is carried out by the answering department.

6. That it has also been expressly stated therein that the responsibility for maintenance and preservation of ponds and similar water bodies vests with the Revenue Department and/or other concerned authorities in accordance with the applicable governmental scheme and administrative framework.



7. That in view of the aforesaid position, the District Magistrate, Gautam Buddha Nagar, was requested to issue appropriate directions to the Revenue Department to effectively pursue the matter, particularly in light of the pendency of the present proceedings before this Hon'ble Tribunal and the ensuing date of hearing.

8. That the said communication further indicates that copies thereof were forwarded to the concerned Sub-Divisional Magistrates, namely Sadar, Dadri and Jewar, GautamBudh Nagar, as well as to the learned Standing Counsel, for information and necessary action, thereby ensuring that all relevant authorities are duly apprised of the factual and administrative position of the answering Respondent.

9. That in light of the above, it is respectfully submitted that the answering Respondent has duly discharged its obligations by placing the correct factual and administrative position on record before the competent authority, and that the responsibility in respect of the subject matter lies with the Revenue Department and other concerned authorities.



**VERIFICATION**

**DEPONENT**

10 APR 2026

Verified at G.B. Nagar on this \_\_\_ day of April, 2026, that the contents of the above affidavit are true and correct to my knowledge and belief, and nothing material has been concealed therefrom.



**ATTESTED**

VIRENDRA SINGH  
ADVOCATE (AT-LAW)

DISTT. GAUTAM BUDH NAGAR

**DEPONENT**

10 APR 2026

कार्यालय अधिशासी अभियन्ता  
प्रान्तीय खण्ड, लो0 नि0 वि0,  
गौतमबुद्धनगर।

पत्रांक:- 6/8/5एम0जी0  
सेवा में,  
जिलाधिकारी,  
गौतमबुद्धनगर।

दिनांक:- 06/03/2026

विषय:- मा0 राष्ट्रीय हरित अधिकरण, प्रधान पीठ, नई दिल्ली द्वारा ओ0ए0 संख्या 177/2022 अभिष्ट कुसुम गुप्ता बनाम यू0पी0 स्टेट एवं अन्य में पारित आदेश दिनांक 19.01.2026 का समयबद्ध रूप से अनुपालन सुनिश्चित कराये जाने के सम्बन्ध में।

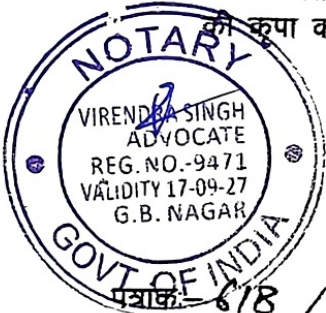
सन्दर्भ:- आपका पत्र संख्या 2117/डी0एल0आर0सी0/2026 दिनांक 03.02.2026

महोदया,

उपरोक्त विषयक सन्दर्भित पत्र का अवलोकन करने की कृपा करें, विषयगत प्रकरण मा0 राष्ट्रीय अधिकरण प्रधान पीठ नई दिल्ली के समक्ष (एन0जी0टी0) विचाराधीन हैं। दिनांक 19.01.2026 (छायाप्रति संलग्न) को सुनवाई करते हुए तालाबो की स्थिति एवं उनके रखरखाव के सम्बन्ध में शपथ पत्र चाहा गया है।

उक्त के सम्बन्ध में अवगत कराना है, कि इस कार्यालय के अन्तर्गत मार्गों कं किनारे तालाबो के रखरखाव/संरक्षण आदि का कोई भी प्रावधान नहीं हैं। जिस कारण रखरखाव/संरक्षण का कार्य नहीं किया जाता है। तालाब आदि की देखभाल व रखरखाव का कार्य राजस्व विभाग द्वारा किया जाता हैं।

अतः आपसे सादर अनुरोध है कि प्रभावी पैरवी हेतु राजस्व विभाग को निर्देशित करने की कृपा करें। सुनवाई हेतु अग्रिम तिथि 15.04.2026 निर्धारित है।



पत्रांक:- 6/8 /5एम0जी0

प्रतिलिपि:- 1. उपजिलाधिकारी, सदर/दादरी/जेवर गौतमबुद्धनगर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

2. श्रीमती प्रियंका स्वामी, स्थाई अधिवक्ता मा0 उच्चतम न्यायालय नई दिल्ली को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

अधिशासी अभियन्ता  
प्रान्तीय खण्ड, लो0नि0वि0,  
गौतमबुद्धनगर।

दिनांक:- 06/03/2026

अधिशासी अभियन्ता  
प्रान्तीय खण्ड, लो0नि0वि0,  
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