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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 1357 OF 2024

IN THE MATTER OF:

RASHI SHARMA

...APPLICANT

VERSUS

HARMEET SINGH & ORS.

...RESPONDENTS

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THROUGH

DELHI

DATED:- 30/1/26

HS
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ORIGINAL APPLICATION NO. 1357 OF 2024

IN THE MATTER OF:

RASHI SHARMA

...APPLICANT

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REPLY ON BEHALF OF RESPONDENT NO. 1 TO THE APPLICATION
UNDER SECTION 15, 17, 19 & 20 OF THE NATIONAL GREEN
TRIBUNAL ACT, 2010 FOR IMPOSITION OF PENALTY AND
ENVIRONMENTAL COMPENSATION ON ACCOUNT OF ILLEGAL
EXTRACTION AND USE OF CLEAN GROUND WATER FOR
COMMERCIAL PURPOSES

MOST RESPECTFULLY SHOWETH:

AT THE OUTSET ANSWERING RESPONDENT DENIES EACH AND EVERY AVERMENTS/ALLEGATION MADE IN THE APPLICATION UNDER REPLY AND SAME BE NOT DEEMED TO BE ADMITTED UNLESS AND UNTIL SPECIFICALLY NOT ADMITTED AND WHATEVER IS NOT ADMITTED BE DEEMED TO BE DENIED.

PRELIMINARY OBJECTIONS/SUBMISSIONS

1. That the present Application under reply is not maintainable and deserves outright dismissal as the Applicant has not come with clean hands and suppressed material facts from this Hon'ble Court with a view to mislead this Hon'ble Court.

2. The Applicant has no locus standi to maintain the present Application as she does not qualify as an "*aggrieved person*" under the National Green Tribunal Act, 2010. The Applicant's mere residence in Shakti Nagar and occasional passage through the area does not confer any special right or interest to maintain this Application.
3. It is pertinent to mention here that as the applicant know that the Original Application u/s 18(1) r/w Section 14 is not maintainable in the eyes of law and after the payment of penal charges of Rs. 2,00,000/- as per the directions of authorities concerned now the said application has now become infructuous as such in order to linger on the matter the applicant has now filed the present application under reply by pleading false and frivolous facts, which is without any cause of action and otherwise also not maintainable in the eyes of law.
4. The Application is based on mere conjectures and surmises, without any concrete evidence of environmental damage and otherwise also without any cause of action as such liable to be dismissed solely on this ground.
5. The Respondent has the necessary permissions and clearances for the installation and operation of the borewell. The borewell at 43, Bungalow Road, Kamla Nagar, Delhi-7 was installed with proper registration from the Central Ground Water Authority [constituted under Section 3(3) of the Environment Protection Act, 1986] vide Registration No. DLOFCT/52621, which was obtained in the name of Ishwar Chandra & Ors. A copy of the

registration certificate has already been annexed to the Respondent's reply to the Applicant's Original Application.

6. That under Section 15(2) of the Delhi Water Board Act, 1998, read with the general principles of transfer of property, the rights and liabilities associated with the property, including water connection permissions and registrations, transfer to the subsequent owner unless specifically prohibited. Therefore, the existing borewell registration, being attached to the property and not having any specific prohibition on transfer, continues to be valid under the Respondent's ownership.
7. That the water extraction is being conducted in strict compliance with the terms and conditions specified in the aforementioned permission and the construction activity is being carried out in accordance with all applicable environmental norms and regulations.
8. That the Applicant's claim of being the secretary of a trust engaged in social work appears to be a mere façade to legitimize this frivolous litigation, since no specific details of the trust or its activities have been provided. Otherwise also the applicant is admittedly residing at far away from the property in question and there is no cause of action ever arise in her favour and against the Respondent herein.
9. That the present application under reply is not maintainable and the same is liable to be dismissed as the same is filed just to waste the precious time of

the Hon'ble Tribunal and also just to harass and humiliate the answering respondent herein.

PARAWISE REPLY

1. That the contents of Para No. 1 of the Application under reply are matter of record hence need no reply. However, it is submitted that the application u/s 18(1) r/w section 14 is not maintainable in the eyes of law and the Respondent herein has already filed a detailed reply to the same and crave leave of this Hon'ble Court to refer and rely upon the same at the hearing of the present application under reply. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.
2. That the contents of Para No. 2 of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the clean ground water is illegally used in commercial activity without clearance and without metering of years and the water has been stolen and used for commercial purpose as alleged by the applicant and the Applicant be put to strict proof of the same. It is submitted that the application u/s 18(1) r/w section 14 is not maintainable in the eyes of law and the Respondent herein has already filed a detailed reply to the same and crave leave of this Hon'ble Court to refer and rely upon the same at the hearing of the present application under reply. It is reiterated that the Respondent has a legally valid permission and the entire work is being done

as per the norms of the government. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

3. That the contents of Para No. 3 of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that despite repeated directions and public orders prohibiting the extraction of ground water for non-domestic/commercial purposes, the Respondents have continued to illegally extract clean groundwater through borewells and submersible pumps for commercial gain and used water illegally in PG rooms and complex as alleged by the Applicant and the Applicant be put to strict proof of the same. It is further denied that this extraction is being done without any permission or authorization from the Central Ground Water Authority (CGWA) or Delhi Jal Board, in blatant violation of the law and binding directions of this Hon'ble Tribunal and the Hon'ble Supreme Court as alleged by the Applicant and the Applicant be put to strict proof of the same. It is further wrong and denied that the Applicant has various times tried to connect with the SDM as well for the penalty to be imposed for the theft of clean water but no written document has been filed by the SDM neither the written WS and has not taken any proper and strict action as alleged by the Applicant and the Applicant be put to strict proof of the same. In reply it is most respectfully submitted that the Respondent has a legally valid permission and the entire

work is being done as per the norms of the concerned authorities. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

4. That the contents of Para No. 4 of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the said illegal activity has been continuing for more than 15 years, and the Respondents have utilized hugess quantities of clean ground water for construction and commercial activities, including the operation of paying guest (PG) accommodations within large commercial complexes, each project being valued at more than Rs. 300 crores as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.
5. That the contents of Para No. 5 of the Application are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the prolonged and large-scale use of groundwater for commercial construction has caused severe depletion of the local aquifers, contamination of surrounding wells and loss of public water availability as alleged by the Applicant and the Applicant be put to strict proof of the same. It is submitted that the sections/rules and case laws mentioned in the para

under reply are not relevant to the facts and circumstances of the present case. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

6. That the contents of Para No. 6 of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that in this case, the Respondents are the "polluters" who have extracted groundwater unauthorizedly for profit and commercial gain as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.
7. That the contents of Para No. 7 of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the principles of "polluter pays" and strict liability squarely apply in the present case as alleged by the Applicant and the Applicant be put to strict proof of the same. It is further denied that the Respondents have knowingly engaged in commercial exploitation of a common natural resource (groundwater), without any sanction, for private commercial enrichment as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary

objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

8. That the contents of Para No. 8 of the Application need no reply.

9. That the contents of Para No. 9 of the Application are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the principle of sustainable development, precautionary principle and the polluter pays principle are being violated continuously by the Respondents as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

10. That the contents of Para No. 10 of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the applicant prays for immediate assessment of the quantity of groundwater extracted through independent inspection by CGWA and DJB and computation of environment compensation in accordance with the CGWA 2019 guidelines and NGT formula for commercial extraction as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

REPLY TO GROUNDS:

1. That the contents of Ground A of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is submitted that the sections/rules and case laws mentioned in the para under reply are not relevant to the facts and circumstances of the present case. It is further wrong and denied that the Respondent's conduct is in blatant violation of these judicial directions as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.
2. That the contents of Ground B of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that the Respondents have caused substantial depletion of groundwater reserves for private profit as alleged by the Applicant and the Applicant be put to strict proof of the same. It is further denied that the "polluter pays" principle squarely applies, and Respondents are liable to pay environmental compensation equivalent to:
 - Cost of water illegally extracted (based on CGWA 2019 rates);
 - Environmental restoration cost;
 - Penalty for continued violation

The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

3. That the contents of Ground C of the Application under reply are wrong and denied, being false, frivolous, vexatious and misconceived. It is specifically wrong and denied that by continuing to use clean groundwater for commercial construction in a critical zone, Respondents have acted recklessly and against sustainable development norms as alleged by the Applicant and the Applicant be put to strict proof of the same. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

REPLY TO SUGGESTION/ASSUMPTION FOR PENALTY:

1. That the contents of suggestion/assumption for penalty in the application under reply are wrong and denied, being false, frivolous, vexatious and misconceived as the same has been mentioned in the application and filed before this Hon'ble Tribunal without any calculation or evidentiary document depicting that how the applicant has calculated the figures mentioned therein. The submissions made in the Preliminary objections/submissions may kindly be read as part and parcel as the same is not being repeated herein for the sake of brevity.

That the last Para of the Application under reply containing the prayer clause are denied and in response, the answering respondent submits that the Application under reply is an abuse of the process of law. Hence, the Application under reply is liable to be dismissed with exemplary cost.

PRAYER

In view of the submissions made above it is respectfully prayed that this Hon'ble Court may kindly be pleased to dismiss the Application under reply with exemplary costs in favour of the answering Respondent and against the Applicant, which is imperative in the interest and furtherance of justice;

Any other relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the answering Respondent and against the Applicant.

NSR

RESPONDENT NO. 1

THROUGH

DELHI

DATED:- 30/1/26

[Signature]

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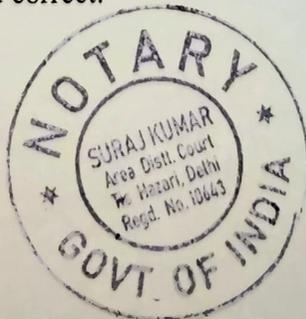
HARMEET SINGH & ORS.

...RESPONDENTS

AFFIDAVIT

I, Harmeet Singh, aged about ___ years, S/o Sh. Surendra Singh, R/o 43, Western Side Bungalow Road, near Kamla Nagar Market, Delhi – 110007, do hereby solemnly affirm and declare as under:-

1. That I am the Respondent No.1 and am fully conversant with the facts and circumstances of this case and therefore, competent to swear this affidavit.
2. That I have filed the accompanying Reply to the application filed on behalf of the applicant, the contents of which are requested to be read as part and parcel of this affidavit as the same are not being repeated here for the sake of brevity.
3. That the accompanying Reply to the application has been drafted by my counsel under my instructions and read over to me in vernacular and the same are true and correct.

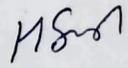
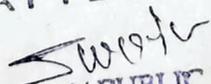


MSio

DEPONENT

VERIFICATION

Verified at New Delhi, this the ____ day of January, 2026 that the contents of the above affidavit are true to the best of my knowledge and that I have not suppressed any material facts.

**DEPONENT****ATTESTED**
NOTARY PUBLIC DELHI**29 JAN 2026**