

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI**

Application No. 807 of 2022

In the matter of:

Bhavak Parasher

...Applicant

Versus

Smt. Indu Walia and ors.

..Respondents

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RAVI BAKSHI, ADVOCATE

SRA-146/A Shipra Rivera,
Indirapuram, (GZB)

Ph. No. 9312181525,
7048920258,

Email-bakshiravi24@gmail.com

advsaymaferoz@gmail.com

Date 17/02/2023

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI**

Application No.807 of 2022

In the matter of:

Bhavak Parasher

...Applicant

Versus

Smt. Indu Walia and Ors.

...Respondents

Reply on behalf of Respondent No. 1 Smt. Indu Walia

May it Please Your Lordships:

The Respondent No.1 respectfully submits the following in reply to the above referred application.

1. At the very outset the Respondent denies and disputes each and every averment made by the applicant including the allegations in the synopsis save and except those which are specifically admitted hereinafter.

Preliminary Objections:

The present application under Section 18(1) of the National Green Tribunal Act, 2010 has been filed *mala-fide* just to harass the replying Respondent. The allegations made in the application are actuated with



malice, ill will, hatred and personal enmity and grudge against the husband of the replying respondent. The complainant nurtures ill-will against the entire family of the respondent. A few years back he along with others made a brutal assault against the respondent and her husband at about 10.00 pm in the night. He implicated the respondent's husband in a case of murder of his son. Her husband was acquitted of the murder charge but had to spend more than 4 years in jail as an under trial prisoner before his acquittal on 17/11/2018. The husband of the applicant is under a constant threat of physical harm from the applicant. The respondent submits that the applicant has been making false and frivolous complaints to various authorities including the Hon'ble Tribunal because of his personal motive to harm the respondent and her family.

2. That the applicant has levelled very vague averments and made allegations which are wrong to his very knowledge. His application is based on distorted and incomplete facts. The application is liable to be



rejected.

3. It is an admitted case of the applicant that the land in question is the personal property of the respondent. It is also admitted by the applicant that the land is hardly 500 meters from the main highway and is just behind the showrooms. The applicant submits that there is lot of development on the side of the highway where big showrooms and hotels already exist. The land in question is on the back side of these buildings. It is not a forest land. There were no mountains there and the allegations about the destruction of hill top are on the very face of it, baseless. The respondent submits that her land is 'Kharetar' land as recorded in the revenue records. The respondent is within her right to level her own land for development as per law.
4. The respondent submits that she had started developing the land much before 2011 and had sold a part of land to a number of people. There was no activity after the arrest of her husband in 2014 till his release in November 2018. It was after acquittal of her husband that the applicant started complaining to



various authorities. The present application is not *bonafide* but the same is out of his personal grouse.

5. The respondent had levelled and sold some parts of her land even before 2012. The present application beside being malafide is also barred by the limitation.
6. That, the respondent has applied for registration before RERA in accordance with law. The application and plan for approval of Town and Country Planning Authorities is also under consideration and is expected soon since the respondent is ready and willing to comply with all the norms. It may be mentioned here that the plan includes proper development and greenery as the respondent plans to plant six hundred trees under its plan to develop the area.

REPLY ON MERITS: The respondent submits the following para-wise reply to the application.

Facts in brief

1. Para 1 is admitted.
2. Para 2 admitted. It is submitted that her husband was falsely implicated and has been acquitted of the charge. It is further submitted that even the applicant



himself was charged and faced trial for assaulting the *Respondent* in the same incident the applicant was also acquitted.

3. The contents of this are not admitted to correct in view of submission made above.
4. It is wrong and therefore specifically denied that her husband was making colony in the forest thick land. As already submitted, this land is Khadetar land where only grass or small plants/trees grow. The small trees cut/felt by the Respondent were of "Japani Toot" five numbers and toon two and simble two. These plants are not protected species. There is no prohibition on cutting Japani Toot from private land but the fine was levied by the forest authorities for not seeking prior permission from the local forest office. The relevant documents are being annexed herewith for Lordship ready reference. The respondent No.1 was fined Rs.500/- for felling five Japani toot, two toon plants and two simble trees.
- 5 & 6. The contents are wrong and therefore denied. It is submitted that this is not mountainous or hill area.



The respondent is only levelling the land, and not breaking any hill or hill tops as alleged.

7. In reply to para 7, it is submitted that the applicant has been making complaints to various authorities because of personal enmity. He had even approached by way of complaints the Vigilance Department and also Enforcement Directorate. The complaints were baseless.
8. The contents of this para as alleged are wrong. It is specifically denied being wrong that there was any environmental damage of the natural habitat as alleged.
- 9 & 10. Need no comment.
11. The corresponding para pertains to matter of record. It is however, submitted that the respondent's application before HP RERA is under consideration and the respondent will abide by the directions and that she is bound to develop the area in accordance with the norms and requirements of law.
12. The contents of this para are vague and misleading in as much as the photographs include the land



belonging to various persons and not the respondent alone.

GROUND OF COMPLAINT:

The respondent submits that the allegations made as Grounds in the complaint are totally false and baseless. The so called grounds of complaint are nothing but vague and are uncertain in nature. There is nothing specific in the charges in para 1(a) to (e) as to how any harm is caused as alleged.

The allegations levelled as grounds are mere repetition of the earlier paragraphs of the complaint and have been specifically explained above. The alleged grounds do not exist in the circumstances as explained above.

PRAYER:

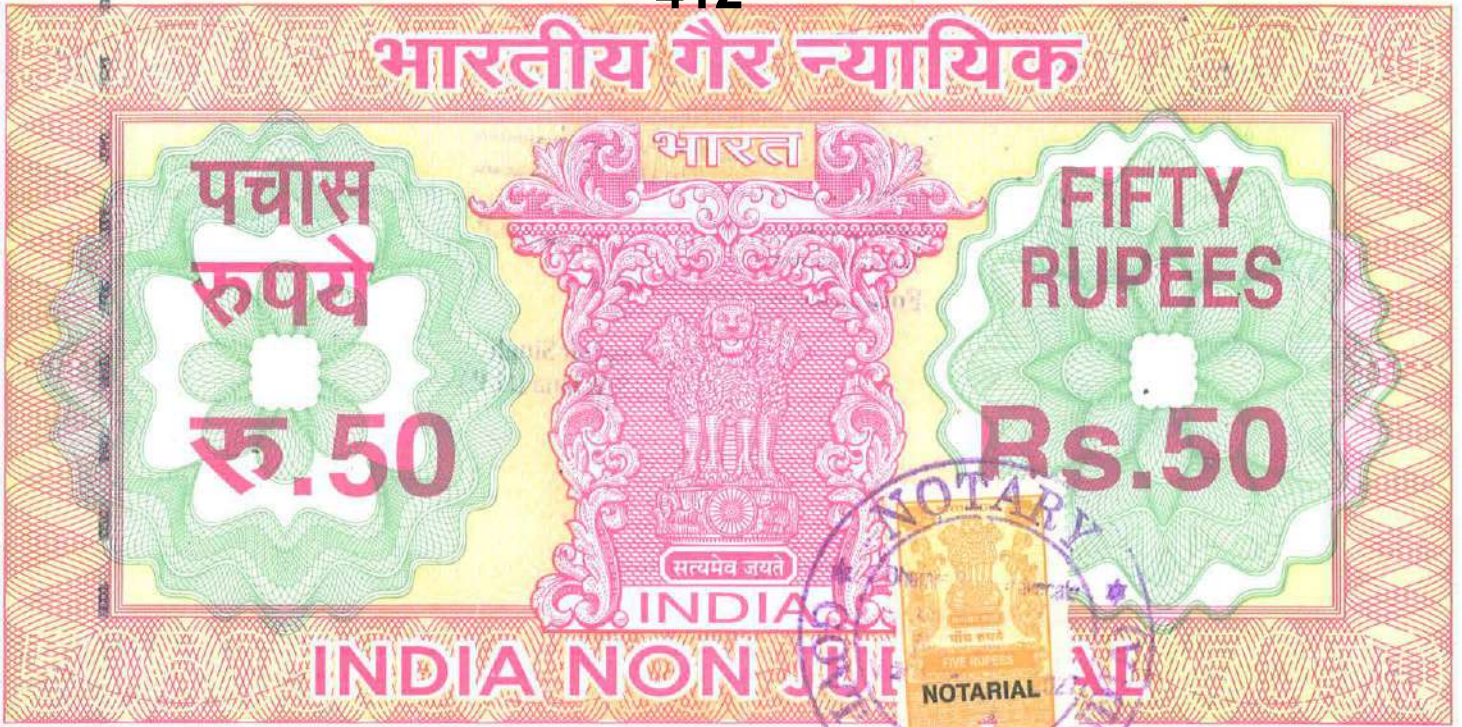
It is therefore respectfully prayed that the application is malafide, lacks substance, has no merit and therefore may kindly be dismissed



(Indu Walia)

RESPONDENT NO. 1

New Date - 17/02/2023



हिमाचल प्रदेश HIMACHAL PRADESH

E 410947

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING

AT NEW DELHI

Application No.807 of 2022

In the matter of:

Bhavak Parasher

Versus

Smt. Indu Walia and Ors.

AFFIDAVIT

I, Indu Walia, W/o Sh. Ram Parkash Singh, age 47 years, R/o H. No. 108, Vasant Vihar Rakkar Colony, Tehsil and District Una, (H.P) do hereby solemnly affirm and state as under:

1. That I am Respondent No. 1 in the present case and being conversant with the facts, competent to swear this affidavit.

[Handwritten signature]



27/17/23

NO 1421945

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Himachal Government Judicial Paper

Cont. page.....2.....

- 2. I state that the accompanying reply to the Complaint has been prepared at my instance and under my instructions. I have read the same, and I state that its contents are true to my knowledge and belief, no part of it is false and nothing material has been concealed.
- 3. The annexure are true copies of their respective originals.

[Signature]
DEPONENT

Verification :- I the above named deponent verify that the contents of my this affidavit are true and correct to my knowledge and belief.

Date: 17 February 2023

[Signature]
DEPONENT



Certified that this *[Signature]*
is presented for attestation by Sh. *[Signature]*
S/o. *[Signature]* Resident
of village *[Signature]*
and was *[Signature]*
or wh *[Signature]* entered
at serial *[Signature]*
time at *[Signature]* (Place)
27-17/2/23

ATTESTED
[Signature]
NOTARY

Forest Department Himachal Pradesh

Report Book No. 099

Report No. 031

State through Forest Department

Versus

Indu Wallia w/o Ram Prakash Singh, r/o Rakkar Colony, Una.

Offence: uprooting of trees 5 Nos from private land
using JCB without obtaining permission

Sir,

Today i.e. on 05.05.2022, at about 10 a.m. during visit in area Malahat it was found that five Japani Toot trees, two Toon trees and two Simbal trees were found uprooted from private land by using JCB, further enquiries revealed that the trees were cut by the aforesaid person from her own land without permission from Forest Department. The accused has confessed the forest offence of felling the trees without permission and has agreed to pay the compensation. Submitted for further action

Sd/- (the informant)


True Typed Copy

Report by the concerned official.(relevant extract) regarding
compounding of offence and paying compensation/penalty.

D.R. No. 031/099

R.R. No.210/2022-23 dated 6/5/2022

Bank Challan: B22E 112328 dated 10.05.2022

HIMGRN

Comp; 25000/- Twenty five thousand only.

Forest Department Himachal Pradesh

Report Book No. 099

Report No. 031

Sd/- (Rajesh Kumar), D.R.

BlockOfficer, Una.

True Typed Copy

Forest Department Himachal Pradesh

Report Book No. 099

Report No. 035

12

State through Forest Department

Versus

Indu Wallia w/o Ram Prakash Singh, r/o Rakkar Colony, Una.

Offence: uprooting of trees from private land.

Sir,

Today i.e. on 05.05.2022, at about 10 a.m. during visit in area Malahat it was found that five Japni Toot trees, two Toon trees and two Simbal trees were found cut from private land, further enquiries revealed that the trees were cut by the aforesaid person from her own land without permission from Forest Department. The accused has confessed the forest offence of felling the trees without permission and has agreed to pay the compensation. Submitted for further action

Sd/- (the informant)

True Typed Copy

Report by the concerned official.(relevant extract) regarding
compounding of offence and paying compensation.

D.R. No. 035/ 099

R.R. No.6/U/2022-23 dated 6/5/2023

Bank Challan: B22E 112333 dated 10/5/2022

HIMGRN

Comp; 500/- five hundred only.

Sd/- (Rajesh Kumar), D.R.

BlockOfficer, Una.

True Titled Copy



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IN THE COURT OF BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPLE BENCH
Suit/Appeal No. Application No. 207 JURISDICTION OF 2012 2022 N-D

In re:-
BHAWAK PARASHER Plaintiff(s) or Petitioner(s)
Appellant(s) Complainant(s)

VERSUS
Smt. Indu Wadia & ors. Defendant (s)/ Respondent(s) / Accused Know all to whom
these Present shall come that I/we Indu Wadia Respondent no 1

The above named RAVI BAKSHI
do hereby appoint

SRA-146, Shilpa Rivera [9312181525]
Indira Puzam 672B. [bakshiravi200@gmail.com]

(herein after called the advocate/s) to be my / our Advocate in the above – noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objection or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences of disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we undersigned to hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/we undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this February Day of 21st 201 2021 Accepted subject to the terms of the fees.

Advocate Ravi Bakshi
Sayma Feroz

[Signature]
Client

[Signature]
Client

(RAVI BAKSHI)
(SAYMA FER0Z)

I Identify the Signature/Thumb Impression of Below Mentioned Person,

Signed in My Presence. The Client.

[Signature]





krishan kumar jha <krishank.jha90@gmail.com>

Advance Service of Reply in Bhavak Parasher Vs Smt. Indu Walia and Ors. , O. A. NO. 807 of 2022 before NGT, New Delhi

1 message

krishan kumar jha <krishank.jha90@gmail.com>

Wed, Feb 22, 2023 at 3:05 PM

To: bhavak.parasher@yahoo.com

Cc: dfouna-hp@nic.in, ud-una-hp@nic.in, "pcbrouna@gmail.com" <pcbrouna@gmail.com>, mounaho@nic.in, saymakhanadv@gmail.com

Subject: Bhavak Parasher Vs Smt. Indu Walia and Ors. , O. A. NO. 807 of 2022 before NGT, New Delhi

Please find attached the copy of the Reply along with documents to be filed in the above-captioned matter.

You are requested to kindly acknowledge the receipt of the same.

Regards,

Sayma Khan Adv.

Advocate for the Respondent No. 1

 **Reply on behalf of R1.pdf**
1988K