

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

**ORIGINAL APPLICATION NO. 1155/2024**

**IN THE MATTER OF**

KAUSHALENDRA KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT(S)

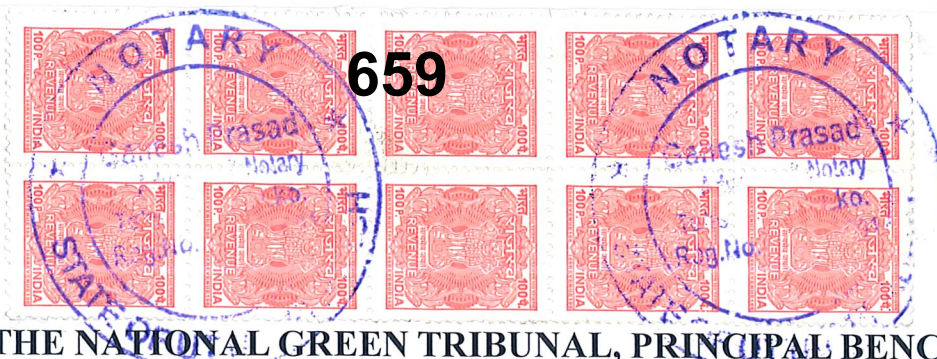
**INDEX**

S.No.	Particular	Page No.
1.	REPLY BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO. 15 CENTRAL GROUND WATER AUTHORITY.	
2.	VAKALATNAMA.	

Respondent No.15

Through

Gigi C. George Advocate  
Standing Counsel (UOI)  
Ch. No. 457, Lawyers Block,  
DHC, New Delhi  
-Gigicgeorge.adv42@yahoo.in  
M-9810625315



BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO. 1155/2024

IN THE MATTER OF

KAUSHALENDRA KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

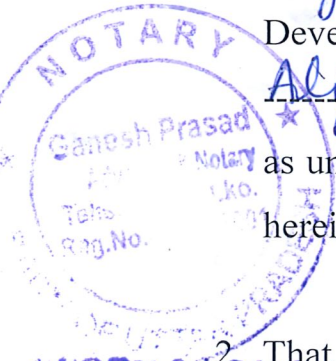
...RESPONDENT(S)

REPLY BY WAY OF AFFIDAVIT ON BEHALF OF RESPONDENT NO. 15

CENTRAL GROUND WATER AUTHORITY

MOST RESPECTFULLY SHOWTH:-

1. I, S.G. Bhartasuja, aged about 54 years, working as ---  
Regional Director, in Ministry of Jal Shakti, Water Resources, River  
Development and Ganga Rejuvenation, having office at C.G.W.B., N.R.  
Aligarh, Lucknow, do hereby solemnly affirm and state on oath  
as under on behalf of Respondent No.15 i.e. Central Ground Water Authority  
hereinafter referred to as Answering Respondent.



SWORN & VERIFIED  
BEFORE ME

2. That I am in my aforementioned official capacity, well conversant with the  
facts and circumstances of the present case on the basis of the documents and

8.1.25  
**Ganesh Prasad**  
Advocate & Notary  
C 18, Indira Nagar, Lko.  
Reg. No. 30/79/2001

Sgt

records available in the department. As such, I am competent and authorized to swear this counter affidavit on behalf of answering respondent.

3. That I have read and understood the contents of the present affidavit and states that the contents mentioned in the Affidavit are true and correct to the best of my knowledge.
4. That the Original Application No. 1155/2024 was filed by the applicant has raised the grievance in respect of pollution and encroachment on the Hasanpur-Lodha wetland. The applicant has also raised grievance that the prohibited activities under Rule 4 (1) of the Wetlands Rules, 2017 are rampant and the authorities have not taken action to preserve the wetland and to prevent the encroachment and pollution thereof.
5. That the Hon'ble Tribunal vide para 5 of the order dated 19.09.24 issued notice to respondents for filing their response by way of affidavit. In pursuance to the direction of Hon'ble Tribunal, Respondent No. 15 i.e. CGWA is filing present affidavit.
6. Furthermore, the Hon'ble Tribunal vide para 6 of the order dated 19.09.2024 has constituted a Joint Committee comprising of the representative 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. District Magistrate, Ghaziabad nominated as a nodal agency in the joint committee.

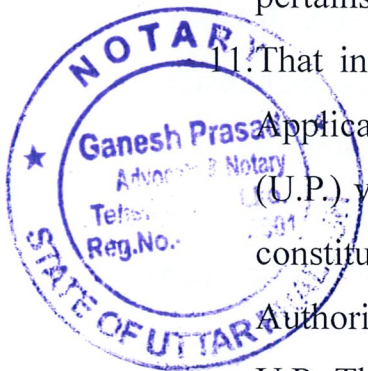


8.1.29  
**Ganesh Prasad**  
Advocate & Notary  
C 15, Indira Nagar, Lko.  
Reg. No. 30/79/2001

Saji

PARA-WISE REPLY

7. That averments contained in para 1 to 2 are matter of record and does not warrant any reply from answering respondent.
8. That averments contained in para 3 (a) pertains to illegal, unlawful, unrestricted, uncontrolled large scale environmental and ecological exploitation and degradation in Hasanpur Lodha. Dose not pertains to the answering respondent. Hence needs no comments.
9. That para 3 (b) pertains to violation of Environment (protection) Act, 1986, Water (prevention and control of pollution) Act, 1975, Air (prevention and control of pollution) Act, 1981 and the wetlands (conservation and management) rules, 2017 by R-17 to R-38.
10. That para 3 (c) pertains unauthorized and illegal occupation of land, encroachments, dumping of sand and construction waste in and around Hasanpur Lake and blocking of overflow drains and discharge of untreated wastewater into Hasanpur Lake and wetland by R-17 to R-49. Dose not pertains to the answering respondent. Hence needs no comments.
11. That in response to the averments contained in para 3(d) of the Original Application it is most respectfully submitted that the Govt. Uttar Pradesh (U.P.) vide notification No. 1320/LXII-I-2019-10gw-2014 dated 13.11.2019 constituted Uttar Pradesh State Ground Water Management and Regulatory Authority for regulation and management of ground water in the state of U.P. That the Central Ground Water Authority w.e.f 01.10.2020 stopped accepting NOC applications and list of pending applications with CGWA was sent to UPGWD. Hence, thereafter the Uttar Pradesh State Ground Water Management and Regulatory Authority started NOC issuance process.

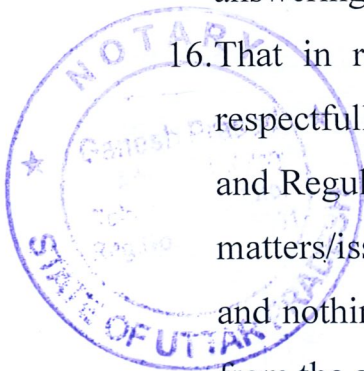


SWORN & VERIFIED  
BEFORE ME

8.1.25  
Ganesh Prasad  
Advocate & Notary  
C 15, Indira Nagar, Lko.  
Reg. No. 30/79/2001

Sanj

12. That averments under para 3 (e) to 3 (f) pertains to inaction on the part of the respondent Government/Authorities as it has already submitted that the management and development of groundwater in the state of Uttar Pradesh is being regulated and controlled by the Uttar Pradesh State Ground Water Management and Regulatory Authority. Hence, needs no comments from the answering respondent.
13. That in response to averments under para 4 to 7 it is submitted that the averments are substantial issues relating to environment degradation and nothing pertains to the answering respondent. Hence, need no comments from answering respondent.
14. That averments contained in para 8 to 19 are the brief about the Hasanpur-Lodha Wetland & application of Wetlands(Conservation and Management Rules) 2017 and nothing pertains to answering respondent and nothing pertains to the answering respondent. Hence, need no comment from the answering respondent.
15. That averments contained in para 20 to 47 pertains to pollution caused by the Industrial Units operating inside Mussoorie-Gulawathi Industrial Area, R-17 to R-49 and resultant damage to the environment and nothing specifically pertains to the answering respondent. Hence, need no comments from the answering respondent.
16. That in response to the averment contained in para 48-49 it is most respectfully submitted that Uttar Pradesh State Ground Water Management and Regulatory Authority is the competent and response authority for all the matters/issues related to groundwater extraction in the state of Uttar Pradesh and nothing pertains to the answering respondent hence, need no comments from the answering respondent.



SWORN & VERIFIED  
BEFORE ME

*S* 25/11/25  
Ganesh Prasad  
Advocate & Notary  
C 15, Indira Nagar, Lko.  
Reg. No. 30/79/2001

*Sanjiv*

17. That para 50 pertains to Right to life as enshrined under Article 21 of the Constitution of India and nothing pertains to answering respondent, hence need no comments.

### REPLY TO GROUNDS

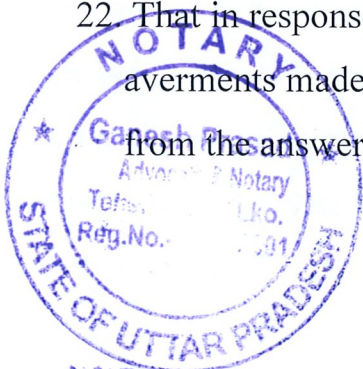
18. That averments contained para 51 A – 51 O of the application pertain to the Hasanpur-Lodha wetland and its ecological degradation, and because of the fact that Uttar Pradesh State Ground Water Management and Regulatory Authority is the competent as well as the responsible authority to address the subject of the present petition, it does not warrant any reply from the answering respondent.

19. That in response to averments contained in para 51 P-51 Q, it is submitted that nothing pertains to the answering respondent, hence need no comments.

20. That in response to averments contained in para 51 R-51 S are matter of record and hence does not warrant any comment from the answering respondent.

21. That in response to averment contain in para 51 T it is most respectfully submitted that Uttar Pradesh State Ground Water Management and Regulatory Authority is the competent authority and nothing pertains to the answering respondent, hence need no comments.

22. That in response to averment contain in para 52 to 54 it is submitted that the averments made by applicant are matter record and hence need no comments from the answering respondent.



SWORN & VERIFIED  
BEFORE ME

8.1.25  
**Ganesh Prasad**  
Advocate & Notary  
C 15, Indira Nagar, Lko.  
Reg. No. 30/79/2001

Sayji

**REPLY TO PRAYER**

23. That in response to the prayer clause (a to f) of application it is submitted that it pertain to the prayer of the applicant to the Hon'ble Tribunal and hence does not warrant any reply from the answering respondent.

24. It is, therefore respectfully prayed that in the light of the submission made herein above that:

- 1) the answering respondent No. 15 does not have much role in the grievance raised in the present petition, and hence, name of answering respondent may please be deleted from the array of respondents.
- 2) any other orders/directions may be passed, as may be deemed fit and proper in the interest of justice.

*Sajj*  
DEPONENT  
S.G. BHARTARIYA  
Regional Director  
Central Ground Water Board, N R  
Ministry of Jal Shakti  
Govt. of India Lucknow

**VERIFICATION:**

I, the deponent above named, do hereby verify that the contents of the foregoing affidavit are true and correct, no part of it is false and nothing has been concealed there from.

Verified at Lucknow on this <sup>8<sup>th</sup></sup> Day of January, 2025.



SWORN & VERIFIED  
BEFORE ME

*S.P.S*  
**Ganesh Prasad**  
Advocate & Notary  
C-15, Indira Nagar, Lko.  
Reg. No. 30/79/2001

*Sajj*  
DEPONENT  
S.G. BHARTARIYA  
Regional Director  
Central Ground Water Board, N R  
Ministry of Jal Shakti  
Govt. of India Lucknow