

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
EXECUTION APPLICATION NO. 44/2023

IN

O.A. NO. 407 OF 2015

IN THE MATTER OF:

SAILESH SINGH

...APPLICANT

v.

SURYA HOTEL & ORS.

...RESPONDENTS

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FILED BY



UNUC LEGAL LLP

Counsels for Respondent No. 1

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PLACE: NEW DELHI

DATE: 06.05.2024



BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
EXECUTION APPLICATION NO. 44/2023

IN
O.A. NO. 407 OF 2015

IN THE MATTER OF:

Shailesh Singh

...Applicant

v.

Surya Hotel & Ors.

...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 2 'HOTEL JAYPEE
SIDDHARTH' IN COMPLIANCE WITH THE ORDER DATED
28.02.2024.**

MOST RESPECTFULLY SUBMITTED AS UNDER:

1. That this Hon'ble Tribunal vide an order dated 28.02.2024 issued notice to the answering respondent No.2, the said notice was about the compliance of the directions passed by this Tribunal on 23.08.2018.
2. It is submitted that this Hon'ble Tribunal on 23.08.2018 has passed the following directions:
 - i. Respondent hotels to approach CGWA for seeking permission for extraction of ground water;
 - ii. To inform the CGWA of the time since when water is being extracted;
 - iii. CGWA was directed to determine the amount of compensation payable for excess or illegal drawl of water;
 - iv. Compliance report to be submitted on or before 22.10.2018;
 - v. Applicant to raise the issue of action against the authorities for failure of duties in the past.

3. It is humbly submitted that Respondent No. 2, 'Hotel Jaypee Siddharth', was directed to submit the compliance report by 22.10.2018. The Respondent No. 2 sent a letter to the Executive Engineer of Delhi Jal Board (DJB) on 04.09.2018, to Deputy Commissioner, Revenue on 22.09.2018 and CGWA on 17.09.2018. The letter was an application seeking permission to extract groundwater from an existing and registered borewell at 'Jaypee Siddharth' and the same was made in terms of the aforesaid direction. A copy of the letters dated 04.09.2018 from Respondent No. 2 to DJB, dated 22.09.2018 to Deputy Commissioner, Revenue, and dated 17.09.2018 to CGWA regarding seeking permission to extract groundwater from the existing and registered Borewell at Jaypee Siddharth, is annexed herewith and marked as *Annexure-A-1. (Colly.)*

With above the Respondent No.2, 'Hotel Jaypee Siddharth' has fully complied with the above said order of the Hon'ble Tribunal.

4. That the aforesaid concise reply is being filed to apprise the Hon'ble Tribunal of the factual status regarding the consumption of groundwater. The answering respondent takes the liberty of this Hon'ble Tribunal to file a detailed reply if required.

PRAYER

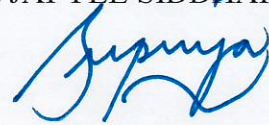
In the facts and circumstances of the case and in the interest of justice this Hon'ble Tribunal may graciously be pleased to: -

- i. Dismiss the present Execution Application No. 44 of 2023 by the Applicant against Respondent No. 2; and

- ii. May pass such other and further orders as this Hon'ble Tribunal deems fit and proper in the premises of the case.

AND FOR THIS THE APPLICANT SHALL EVER PRAY

FILED BY
UNUC LEGAL LLP
FOR RESPONDENT NO. 2
HOTEL JAPYEE SIDDHARTH



Place: New Delhi

Date: 06.05 2023

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
EXECUTION APPLICATION NO. 44/2023
IN
O.A. NO. 407 OF 2015

IN THE MATTER OF:

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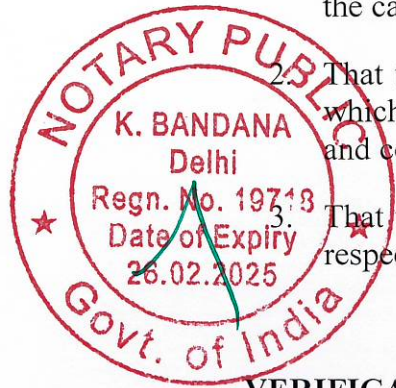
Surya Hotel & Ors.

...Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2 'HOTEL JAYPEE SIDDHARTH' IN COMPLIANCE WITH THE ORDER DATED 28.02.2024.

I, Jatinder Wadhwa, S/o Lt Sh. Dev Raj Wadhwa, aged about 58 years, working as Authorized Representative with Plaintiff at 54 Basant Lok, Vasant Vihar, New Delhi-110057 presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the authorized representative of Respondent No. 2 and in such capacity, am well conversant with the facts and circumstances of the case and am competent and duly authorize to swear this affidavit.
2. That the accompanying Reply has been drafted under my instructions, which I have read and fully understood. The averments therein are true and correct to my knowledge.
3. That the Annexure filed with the present Reply are true copies of their respective originals.



For JAYPEE HOTELS
(A Division of Jaiprakash Associates Ltd.)
DEPONENT

Jatinder Wadhwa
Authorized Signatories

VERIFICATION:

I, the deponent above named, do hereby solemnly verify the contents of the foregoing Affidavit as true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

02 MAY 2024

Verified at New Delhi on this 02 day of April 2024.

For JAYPEE HOTELS
(A Division of Jaiprakash Associates Ltd.)
DEPONENT

Jatinder Wadhwa
Authorized Signatories

02 MAY 2024

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498

IDENTIFIED



JAYPEE SIDDHARTH

September 04, 2018

Executive Engineer
Zone – West - II
Delhi Jal Board
Moti Nagar
New Delhi



Subject – Application for Seeking Permission to Extract Ground Water from Existing and Registered Borewell at Jaypee Siddharth

Dear Sir

This is with reference to the Order from Hon'ble Court of National Green Tribunal NGT for OA 407 /2015 dated 14.08.2018 and OA 175 /2015 dated 23.08.2018. The copies of the orders are enclosed. As per the Order we have been directed to obtain permission to extract ground Water for our operational use.

At the outset we would like inform you that we at Jaypee Siddharth take all precautions to protect the environment and conserve all natural resources by employing best practices.

Keeping with our values we have carried out the following with respect to water conservation and use:

1. We have a registered Borewell vide REGISTRATION NO. – DL/CENT/0000015 authorised by way of voluntary disclosure on the CGWA proforma under the scheme which was advertised in the prominent Daily Newspaper. We have registered the Borewell under the said scheme twice – namely dated 13/09.2006 vide diary no. 3306 and on 03/09/2014 vide diary no. 5856. The copies have been enclosed for your perusal.
2. We have 2 Nos Rainwater Harvesting Structures. The designs have been duly approved by Delhi Jal Board Rain Water harvesting Cell. Every year the rain water from Roof Top is being tapped to recharge 475 KL to the Ground Water based on the roof top area. (The Calculation is based on our Roof-Top area of 864 Sq. Mtr is $55000 \text{ Ltr}/100 \text{ Sq. Mtr} \times 8.64 = 475000 \text{ Litres Per Year}$ or 475 KL Per Year). The Design and Operational efficiency has been approved by DJB – the Competent Authority. The letter is enclosed for your perusal.
3. We have also installed Sewage Treatment Plant and Effluent Treatment Plant for all waste Water treatment thus ensuring zero waste. A copy of a valid Consent from Delhi Pollution Control Committee is enclosed. We have connected the pipelines for reuse of treated waste water to Horticulture, Cooling tower and general washing. Additionally, we are giving up to 25 KL/Day of treated waste water to North Delhi Municipal Corporation for Sewer line disinfection program and other works.

JAYPEE HOTELS, A DIVISION OF JAIPRAKASH ASSOCIATES LTD.
3, RAJENDRA PLACE, NEW DELHI 110 008, INDIA | T: +91 11 25760000, 43662500 | F: +91 11 25781016
E: reservations.jsd@jaypeehotels.com | W: www.jaypeehotels.com | TOLL FREE: 1800 11 9900

REGISTERED OFFICE: SECTOR 128, NOIDA 201304, DIST. GAUTAM BUDDHA NAGAR,
UTTAR PRADESH, INDIA. T: +91 120 4609000, 2470800

CIN: L14106UP1995PLC019017



JAYPEE SIDDHARTH

Since we have been directed by the Hon'ble Court National Green Tribunal to seek permission for Extraction of Ground water, we are enclosing a prescribed "APPLICATION FORM FOR SEEKING PERMISSION FOR GROUND WATER EXTRACTION" duly filled. We request your acceptance of the application form for further review and kind approval.

We are also enclosing the following regarding the application.

1. Yearly and Monthly data of water consumption up to date for the last 12 years from different sources. Our average daily requirement of water is approximately 210 KL Per Day. The water requirement increases in summer and reduces in winter.
2. Copy of Bill from Delhi Jal Board for the last 3 months – May 2018, June – 2018 and July 2018 .
3. Copy of Additional Sewer Charge – Last 2 received and paid Bill a) Dated November 2016 to February 2017 and b) Dated Feb 2017 to December 2017

We request you to kindly accept our application and expedite for our submission to the Hon'ble Court of National Green Tribunal.

With regards

For Jaypee Siddharth
Hotel Division, Jai Prakash Associates Limited

Inder pal Singh
Vice President - Operations
Jaypee Siddharth





JAYPEE SIDDHARTH

September 22, 2018

Dy. Commissioner – Revenue
Dariya Ganja Office
New Delhi - 110002

Subject – Application for Seeking Permission to Extract Ground Water from Existing and Registered Borewell at Jaypee Siddharth

Dear Sir

This is with reference to the Order from Hon'ble Court of National Green Tribunal NGT for OA 407 /2015 dated 23.08.2018 and OA 175 /2015 dated 14.08.2018. Our Hotel Jaypee Siddharth is a Respondent in OA 407 /2015 dated 23.08.2018.

In compliance with above order, we have applied to the Delhi Jal Board seeking permission for extraction of Ground Water from our existing and registered Borewell. As per the Order, we have also apprised the Central Ground Water Authority. The receipt copies are enclosed.

We request you to kindly accept and review our application and grant us the kind permission as above.

With regards

For Jaypee Siddharth
Hotel Division, Jai Prakash Associates Limited

Inderpal Singh

Inder Pal Singh
Vice President - Operations
Jaypee Siddharth



Enclosures

1. ANNEXURE - 1 – Receipt copy of letter submitted to CGWA.
2. ANNEXURE - 2 - Receipt copy from Delhi Jal Board for Application for Permission for Extraction of Ground Water with all its ANNEXURES.



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CIN: L14106UP1995PLC019017



JAYPEE SIDDHARTH

September 17, 2018

Central Ground Water Authority
Jamnagar House
New Delhi

Subject – Application for Seeking Permission to Extract Ground Water from Existing and Registered Borewell at Jaypee Siddharth

Dear Sir

This is with reference to the Order from Hon'ble Court of National Green Tribunal NGT for OA 407 /2015 dated 23.08.2018 and OA 175 /2015 dated 14.08.2018. The copies of the orders are enclosed. Our Hotel Jaypee Siddharth is a Respondent in OA 407 /2015 dated 23.08.2018.

In compliance with above order, we wish to make our submission as following:

1. We have made an application to Delhi Jal Board seeking permission to extract ground water from our existing and registered Borewell at Jaypee Siddharth. The DJB has inspected the premises of Hotel Jaypee Siddharth. The DJB has further accepted our application vide diary no. "Boring 52" dated 04/09/2018 and Receipt of Rs. 500/- bearing receipt no. 712024 . The copy Receipt of application and Fee of Rs. 500/-- deposited with DJB is enclosed with the application.
2. We have a registered Borewell vide REGISTRATION NO. – DL/CENT/0000015 authorised by way of voluntary disclosure on the CGWA proforma under the scheme which was advertised in the prominent Daily Newspaper. We have registered the Borewell under the said scheme twice – namely dated 13/09/2006 vide diary no. 3306 and on 03/09/2014 vide diary no. 5856. The copies have been enclosed for your perusal.
3. Our average daily requirement of water is approximately 210 KL Per Day. Our actual Yearly and Monthly data of water consumption up to date for the last 12 years from different sources is enclosed here-in for your ready reference. The water requirement varies as per the occupancy and season.

23382142

(Sakshi)

[Handwritten Signature]
17/9/18

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CIN: L14106UP1995PLC019017





JAYPEE SIDDHARTH

We request you to kindly accept and review our application and expedite for our submission to the Hon'ble Court of National Green Tribunal.

With regards

For Jaypee Siddharth
Hotel Division, Jai Prakash Associates Limited

Inder Pal Singh
Vice President - Operations
Jaypee Siddharth

Enclosures

1. ANNEXURE - 1 - Copy of Registration forms – 2 Nos under Voluntary Disclosure Scheme
2. ANNEXURE - 2 - Yearly and Monthly data of water consumption at Jaypee Siddharth for the last 11 years.
3. ANNEXURE – 3 - Receipt copy from Delhi Jal Board for Application for Permission for Extraction of Ground Water with all its ANNEXURES.



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IN THE MATTER OF:

Shailesh Singh

...Applicant

v.

Surya Hotel & Ors.

... Respondents

VAKALATNAMA

KNOW ALL to whom these presents shall come that I, JATINDER WADHWA, in the above-named, do hereby appoint:

PAWAN R UPADHYAY (D-1293/1995), SARVJIT PRATAP SINGH (D-3132/2010)
VARUN SHARMA (D-3509/2018), & SUPRIYA R. PANDEY (D-8432/2022)

UNUC LEGAL LLP
ADVOCATE FOR RESPONDENT NO. 2
P-97, South Extension Part-II,
New Delhi-110049,
Email: unuconsultants@gmail.com
Mob: 7011241783 & 011-41057587

(hereinafter 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 the High Court/Supreme Court subject to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, appeals cross-objections or petitions for execution 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.

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 or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings. The 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 of 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 they may think fit to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do 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 purposes.

And I/ We undertake that I/We or my/our duly authorized agent would appear in the 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 himself.

And I/We the 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 settled 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.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been undersigned by me/ us on this 6th day of May, 2024.

Accepted subject to the terms of fees.

Sarvjit Pratap Singh
Advocate
D/3132/10.

For JAYPEE HOTELS
(A Division of Jaiprakash Associates Ltd.)

J. Wadhwa
Auth Client Signatories

D-1293/95 I identify the signature of Mr. J. Wadhwa

Supriya
D-8432/22
Varun Sharma
D-3509/18

11.

JAIPRAKASH
ASSOCIATES LIMITED

COPY OF THE RESOLUTION PASSED AT THE MEETING OF BOARD OF DIRECTORS OF JAIPRAKASH ASSOCIATES LIMITED HELD ON 12TH FEBRUARY 2022 AT JAYPEE GREENS GOLF & SPA RESORT, G - BLOCK, GREATER NOIDA - 201306, U.P.

"RESOLVED THAT consent of the Board of Directors of the company is hereby granted severally to Shri Jatinder Wadhwa, Son of Late Shri Dev Raj Wadhwa and Shri Pravin Kumar Nigam Son of Late Shri Jagpal Singh Nigam authorised signatories of the company, to represent the company & appear before any Court, Judicial or Quasi Judicial Bodies in connection with any matters related to any of the Hotels of the company namely (1) Hotel Jaypee Vasant Continental Situated at Vasant Vihar, New Delhi (2) Hotel Jaypee Siddharth Situated at Rajendra Place, New Delhi (3) Jaypee Residency Manor situated at Barlowganj Mussoorie Utrakhand (4) Jaypee Palace Hotel & Convention Centre Situated at Fatehabad Road Agra and (5) Jaypee Greens Golf & SPA Resort Situated at Surajpur Kasna Road, Greater Noida Uttar Pradesh and in this regard they are also severally authorised to appoint advocates, sign, file, declare, affirm, verify applications, complaints, petitions, suits, written statements, appeals, any documents, records, statements, evidences, declarations, undertakings, affidavits, vakalatnama, enter in to compromises and settlement of cases as may be considered appropriate in the interests of the company and for and on behalf of the company."

**CERTIFIED TRUE COPY
For JAIPRAKASH ASSOCIATES LIMITED**

Sabharwal

(SANDEEP SABHARWAL)

Vice President & Company Secretary

Membership No. ACS - 8370

"JA House", 63, Basant Lok,

VasantVihar, New Delhi -110057

JAYPEE
GROUP

Registered Office : Sector-128, Noida - 201 304, Uttar Pradesh (India)
Phone : +91 (120) 2470800

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Phone : +91 (11) 49828500 Fax : +91 (11) 26145389
CIN : L14106UP1995PLC019017 Website : www.jalindia.com
E-mail : jal.investor@jalindia.co.in

Reply by R-2 in compliance with Order dated 28.02.2024 in EA No. 44/2023 in OA.No. 407/2015

1 message

UNUC Legal LLP <unuconsultants@gmail.com>

27 August 2024 at 11:33

To: rashtriya samasya <rashtriyasamasya@gmail.com>, info@thesuryaa.com, "corporate@thelalit.com" <corporate@thelalit.com>, ceodelh.djb@nic.in, secretary@ndmc.gov.in, srscitdpcc.delhi@nic.in, mscb.cpcb@nic.in, divcom@nic.in, secy-moef@nic.in

Respected Sir/Madam

PFA Reply by R-2 in compliance with Order dated 28.02.2024 in EA No. 44/2023 in OA.No. 407/2015

With Regards,



UNUC LEGAL LLP
Advocates & Solicitors

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