

N.D.H: 11-05-2023

Before The Hon'ble National Green Tribunal, At New  
Delhi

Original Application No. 555 of 2022

**In the Matter of :**

Vijay Pal ... Applicant

Vs.

State of U.P. & Ors. ... Respondents

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Filed by :

*Abhishek Chaudhary*

FILED ON : 09.05.2023

PLACE : Noida, U.P.

**(ABHISHEK CHAUDHARY)**

Advocate for the Applicant

D-218, GF, Sector-49,

Opp. Prayag Hospital,

Noida - 201 301

Mobile No. 9811280060

E-mail : abhidec27@yahoo.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI

ORIGINAL APPLICATION No. 555 OF 2022

IN THE MATTER OF:

Vijay Pal

....Applicant

Versus

State of U.P. & Ors.

....Respondents

REPLY ON BEHALF OF THE RESPONDENT 2 / HAPUR-  
PILKHUWA DEVELOPMENT AUTHORITY

I, Tushar Kant Jain, S/o. Shri Jai Bhagnan Jain, aged about 59 years, Assistant Engineer, Hapur-Pilkhuwa Development Authority, Uttar Pradesh presently at Hapur do hereby solemnly affirm and declare as under :

1. That I am representing Respondent No. 2 in my official capacity in the present Original Application. I am fully acquainted with the facts and circumstances of the case as derived from the official records and as such I am competent and have been authorized to swear this affidavit for answering Respondent no.2.
2. It is most humbly submitted that the present application has been preferred by the applicant herein, wherein Hapur-Pilkhuwa Development Authority has been arraigned as Respondent no.2 vide order dated 15.12.2022 passed by this Hon'ble Tribunal.
3. That Regional office Uttar Pradesh Pollution Control Board vide its letter no 2272/C/M-498/2022 dated 9.12.2022 requested the Authority to take necessary action about the land/ land use /necessary permissions for land use with regard to M/s Moon



*[Handwritten signature]*

Processors in compliance of the order dated 6.9.2022 passed by the Hon'ble Tribunal

4. It is respectfully submitted that an industry by the name of M/o Moon Processors has been established on a plot of about 750 sq meters near the Indian Gas Agency (behind the power house) in village Partapur, Pilkhuwa under Pilkhuwa development area of the authority. A tin shed has been constructed in about 500 square meter area of the said plot and two halls have been constructed on the front side of the plot. At present the said industry was found closed during the site inspection. According to Pilkhuwa Master Plan 2021, the land use of the said plot is agriculture. No permission for the construction /operation of the above-mentioned industry has been given by the Authority.
5. It is respectfully submitted that notice dated 15.2.2023 has been given to M/s. Moon Processors under the relevant provisions of the 1973 Act. The relevant part reads as under: \_

*"The land use of the said plot is "Agricultural" in Pilkhua Master Plan-2021 and tin shed and constructed rooms exist on about 750 square meters area whose land-use is "Agricultural". No permission/approval has been granted by the /authority in respect of the said constructions, due to which the constructed building is under the category of illegal construction.*

*Therefore, you are informed that if any approval has been obtained by you for the construction in question, then make sure to submit the records/documents related to the approval before the undersigned within a week. In case of*

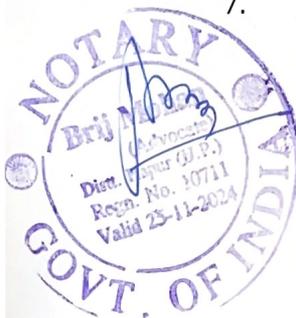


A handwritten signature in blue ink, located at the bottom left of the page.

*no approval, please remove the construction yourself. Otherwise, action will be taken under the relevant sections of the Uttar Pradesh Town Planning and Development Act, 1973, for which all responsibility will be yours."*

A true translated copy of the show cause notice issued by the HPDA dated 15.02.2023 is annexed as **Annexure A-1** (pages 01 to 01 ).

6. It is also submitted here that Pilkhuwa area under the development Authority is used for the work of designing, weaving and dyeing of fabric, textile and apparel processes is done on a large scale. In view to encourage the said industry, Textile Center Scheme has been launched in Pilkhuwa Development Area for weaving and dyeing of cloth in a total land area of 504866.80 square meters, in which a total of 168 plots of different area have been planned, where 35 units. are operational. C.E.T.P has also been constructed by the Authority in the plan, which is functional and has been transferred by the Authority to the Textile Committee on 30.03.2021.
7. Provision of required area for industrial development in Pilkhuwa Master Plan-2021 has been done. Permission for the construction of buildings in the Pilkhuwa development area is permitted after due approval for the activities permitted according to the land use in the Master Plan. That construction without approval/permission is not permitted as per the provisions of the U.P. Town Planning and Development Act-1973. Therefore, according to the above, the said industry is built on "agriculture" land use



*[Handwritten signature]*

area without permission and at present the said industry was found closed.

8. That Respondents craves leave of this Hon'ble Court to file further affidavits/documents if and when required.

*[Signature]*

DEPONENT

**VERIFICATION :**

Verified at Hapur on this 09<sup>th</sup> day of May, 2023 that the contents of the above affidavit are true to my knowledge and belief based on official records of the case and nothing material has been concealed there from.

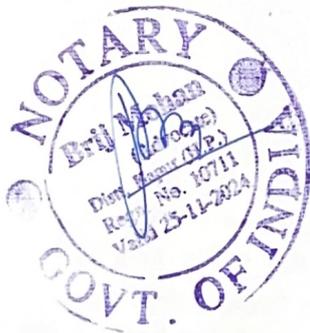
*[Signature]*

DEPONENT

Filed by :

**(ABHISHEK CHAUDHARY)**

ADVOCATE FOR RESPONDENT NO. 2  
515, 5<sup>th</sup> Floor, D-Block  
Additional Building,  
Supreme Court of India  
New Delhi -110001  
Email- abhidec27@yahoo.com  
Mobile:- 9811280060



*[Signature]*  
09/05/2023

S.No. 83 Dated 09/05/2023  
Certified that Documents Affidavit of *Shri. Shri Kant Jain & Jagdeep Jain HPPDA Hapur*  
Identified by *Shri. Adw.* Pin - 245109

*[Signature]*  
09/05/2023  
BRIJI MOHAN (Advocate)  
Notary  
Distt Hapur (U.P.)

**Annexure A-1**

HAPUR-PILKHUA DEVELOPMENT AUTHORITY

Preet Vihar, Delhi Road, Hapur – 245101

To,

M/s Moon Processors,

Village Partapur, Near Indane Gas Agency,

Behind Power House, Pilkhua.

No.: 5825/Pra.A./HPDA/23 Date: 15.2.23

Subject: Regarding M/s Moon Processors, Village Partapur, Near Indane Gas Agency, Behind Power House, Pilkhua.

Sir,

On the subject cited above it is to inform you that you have set up a plant in the name and style of M/s Moon Processors, Village Partapur, Near Indane Gas Agency, Behind Power House, Pilkhuwa. Regarding the said plant, a letter dated December 9, 2022 has been received from the Regional Office, Uttar Pradesh Pollution Control Board, Ghaziabad, in connection with the OA No. 555/ 2022 Vijaypal Vs. State of Uttar Pradesh, filed in Hon'ble NTT, New Delhi.

The land use of the said plot is "Agricultural" in Pilkhua Master Plan-2021 and tin shed and constructed rooms exist on about 750 square meters area whose land-use is "Agricultural". No permission/approval has been granted by the authority in respect of the said constructions, due to which the constructed building is under the category of illegal construction.

Therefore, you are informed that if any approval has been obtained by you for the construction in question, then make sure to submit the records/documents related to the approval before the undersigned within a week. In case of no approval, please remove the construction yourself. Otherwise, action will be taken under the relevant sections of the Uttar Pradesh Town Planning and Development Act, 1973, for which all responsibility will be yours.

Sd/- illegible  
(Dinesh Kumar)  
Officer on Special Duty/  
Competent Authority

//True Translated Copy//



# हापुड़-पिलखुवा विकास प्राधिकरण 7

प्रीत विहार, दिल्ली रोड, हापुड़-245101. ☎ 0122-2308764-65  
वेबसाइट: www.hpdaonline.com, ई-मेल: hpda\_1@rediffmail.com

ANNEXURE - 1

सेवा में,

मैसर्स मून प्रोसेर्स,  
ग्राम परतापुर, निकट इण्डेन गैस एजेन्सी  
पावर हाउस के पीछे, पिलखुवा।

पत्रांक 5025 / प्र0अ0/एचपीडीए/23

दिनांक: 15-02-23

विषय:- मैसर्स मून प्रोसेर्स, ग्राम परतापुर नियम इण्डेन गैस एजेन्सी, पावर हाउस के पीछे, पिलखुवा जनपद हापुड़ के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक में अवगत कराना है कि आपके द्वारा ग्राम परतापुर निकट इण्डेन गैस एजेन्सी, पावर हाउस के पीछे, पिलखुवा में मैसर्स मून प्रोसेर्स नाम से संयंत्र स्थापित किया गया है। उक्त संयंत्र के सम्बन्ध में मा0 एन0टी0टी0 नई दिल्ली में योजित OA No. 555/2022 विजयपाल बनाम स्टेट ऑफ उत्तर प्रदेश के कम में क्षेत्रीय कार्यालय-उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद का पत्र दिनांक 09/12/2022 प्राप्त हुआ है। उक्त भूखण्ड का पिलखुवा महायोजना-2021 में भू-उपयोग "कृषि" है तथा कृषि भू-उपयोग में लगभग 750 वर्ग मी0 भूमि पर टीन शेड व कमरो का निर्माण निर्मित है। उक्त निर्माण के सम्बन्ध में प्राधिकरण से कोई अनुज्ञा/स्वीकृति प्रदान नहीं की गयी है, जिससे निर्मित भवन अवैध निर्माण की श्रेणी के अन्तर्गत है।

अतः आपको सूचित किया जाता है कि यदि आपके द्वारा प्रश्नगत निर्माण की कोई स्वीकृति प्राप्त की गयी है, तो स्वीकृति से सम्बन्धित अभिलेख/दस्तावेज अधोहस्ताक्षरी के समक्ष एक सप्ताह में प्रस्तुत करना सुनिश्चित करे, कोई स्वीकृति न होने की स्थिति में निर्माण को स्वतः हटा ले, अन्यथा कि स्थिति में उ0प्र0 नगर योजना एवं विकास अधिनियम, 1973 की सुसंगत धाराओ के कार्यवाही करते हुए नियमानुसार कार्यवाही की जायेगी, जिसका समस्त उत्तरदायित्व आपका होगा।

(दिनेश कुमार)

विशेष कार्याधिकारी/सक्षम अधिकारी