

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 165 OF 2025**

IN THE MATTER OF:

Kishan Lal & Anr.

...Applicants

Versus

The State of Uttar Pradesh & Others

...Respondents

NDOH: 03.12.2025

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THROUGH

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01/10/2024

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Date: 02.12.2025

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**REPLY ON BEHALF OF RESPONDENT NO. 2 TO THE JOINT
COMMITTEE REPORT DATED 22.07.2025**

MOST RESPECTFULLY SHOWETH:

1. The Answering Respondent most humbly submits that this Hon'ble Tribunal vide order dated 24.04.2025 formed a Joint Committee, which was directed to ascertain the correct factual position at the ground level of the allegations raised in the present Original Application. The Joint Committee, comprising of representatives from CPCB, MoEF&CC and District Magistrate, Ghaziabad, has submitted a Joint Committee Report dated 22.07.2025.
2. The present case was listed on 06.11.2025, whereby the Hon'ble Tribunal permitted the Answering Respondent to file an objection or reply to the report of the Joint Committee.
3. The answering respondent submits that the present reply is not a para wise reply to the joint committee report, therefore, the

answering respondent craves leave of this Hon'ble Court to file detailed submissions at a later stage if the need so arises.

4. It is hereby submitted that Respondent No. 2 M/s SMV Agencies Private Limited Consortium is a law-abiding real estate developer that has, for nearly two decades, invested its resources, reputation, and goodwill into building a compliant, sustainable, and community-oriented township under the erstwhile Integrated Township Policy of the Government of Uttar Pradesh.
5. At the outset, it is submitted that the answering Respondent has had the requisite permissions required at all stages, including but not limited to deemed Environment Clearance and Consent to Establish. Further, the answering Respondent is not involved in any alleged act of illegal construction or illegal tree felling and are, therefore, not in violation of any applicable Environmental laws, rules, or norms.
6. The Joint Committee conducted a visit to the project site on 28.05.2025 and carried out a joint inspection and recorded their observations, findings, and made recommendations.

OBSERVATIONS

7. The Joint Committee has correctly observed during the site inspection that DPR designed for the project was approved by the

Ghaziabad Development Authority (GDA) on 29.11.2006, and a Development Agreement dated 13.02.2007 was entered into between the Answering Respondent and the GDA. Thereafter, the Project Proponent obtained the first Environmental Clearance (EC) on 30.09.2011 for the development of the integrated township "Jaipuria Sunrise Greens".

8. The Joint Committee has observed various other approvals that were taken by the Answering Respondent, pursuant to which the construction of roads, parks and common utilities was taken by the answering Respondent, and the plotting of the project was completed.
9. Thereafter, the Joint Committee Report ("JCR") correctly observed and itself acknowledged that the Answering Respondent had sold and transferred various parcels of land, along with corresponding Floor Space Index (FSI), to multiple independent developers between 2014–15. It is submitted that these transfers were effected through duly registered sale deeds and FSI agreements, whereby the Answering Respondent fully divested title, possession and developmental rights over the said parcels. The registered instruments of transfer of the property have been placed on record by the Answering respondent in the reply filed against the present Original Application.

10. The JCR categorically records that these transferee entities (“FSIs”) have undertaken construction of large group-housing projects, each having a built-up area exceeding 20,000 sq. metres and therefore attracting the requirements of prior Environmental Clearance under the EIA Notification, 2006.
11. It has been observed that no Environmental Clearance was taken by the FSIs for their individual projects, and not of them had the Consent to Establish from UPPCB before the start of the construction.
12. It was further observed that each FSI has at least one borewell on their allotted land, without any groundwater abstraction permission from the competent authority, and about 976 KLD of groundwater is being illegally withdrawn in the township and is used for construction by the FSIs.
13. It is the case of the Answering Respondent that all construction undertaken by the answering respondent for the development of common areas and plotting was done prior to 2015. Thereafter, the land along with all the liabilities, was transferred by the answering respondent to these FSI developers for building the Group Housing towers, which the joint committee has also

recognized. Therefore, environmental compensation if any, should be borne by those individual FSI developers.

14. The committee has observed in their report that the towers developed by FSIs are 60% operational. However, no Consent to Operate has been obtained by them from the UPPCB.

15. It has also been observed that the FSIs have not provided dual plumbing facilities nor installed solar-powered lighting systems in common areas, both of which are mandated under applicable EC conditions and planning norms. The Committee recorded that the required green belt has not been developed in accordance with the GDA-approved layout or the conditions of the Environmental Clearance. It has been specifically noted that the waste generated in the FSI projects is not being segregated into biodegradable, non-biodegradable and domestic hazardous categories, and that mixed municipal solid waste was found being transported through shafts in projects such as Ruchira Sapphire, although the FSIs have put in place a system to collect the generated waste and hand it over to local authorised vendors. During inspection, construction was found ongoing on adjoining FSI plots without any barricading or boundary walls separating operational areas from under-construction areas, which the Committee has flagged as a lapse in safety compliance.

16. The report has further recorded that construction and demolition waste was found dumped without segregation, contrary to Rule 4(2) of the Construction and Demolition Waste Management Rules, 2016. No information was furnished by the FSIs regarding a C&D Waste Management Plan, nor was any approval obtained from the local authority, and the Committee has additionally noted that the FSIs have not complied with CAQM Direction No. 13 applicable to construction projects above 500 sq. m., except for Ruchira Sapphire, which alone stands registered on the Dust Portal.

17. The report also observed that the Sewage Treatment Plants installed within the FSI projects are functioning without a valid Consent to Operate. Five STPs of capacities 160 KLD, 200 KLD, 380 KLD, 275 KLD and 530 KLD were found operating in Golden Gate, Ruchira, Divyansh, Arocon and Rise Organic Homes respectively, and samples had previously been collected by UPPCB during an inspection dated 14.05.2025. These STPs are located entirely on FSI-held land and are operated by the respective FSI developers.

FINDINGS

18. Based on these observations, the Joint Committee has given several findings. The report has found that the towers constructed

by the FSIs have been operational since 2022-23 without obtaining the consent to operate from the UPPCB which attracts environmental compensation. The Committee has expressly stated that post-2015 construction by the FSIs was undertaken without any valid consent, thereby attracting Environmental Compensation under the UPPCB Guidelines.

19. The Committee has clarified that while the EC referred to 3699 flats, 2321 plots, a community centre and an institutional area, the breakup of built-up areas and the detailed configuration of the proposed development were not reflected in the EC. The Committee has noted that the CTE contained details that were absent in the EC, and that the group housing towers subsequently constructed by the FSIs were never covered by the original EC.

20. The Committee has further found that several of the towers constructed by the FSIs reach up to G+23 floors and therefore required prior height clearance from the Airport Authority of India (“AAI”). The GDA-approved maps themselves record that height clearance from the Hindon Airport was to be obtained before commencement of construction. However, the Committee has observed that except for Plot GH-02, where such clearance was obtained by M/s SMV Agencies Pvt. Ltd., no height clearance has

been obtained for the remaining FSI projects. The Committee has specifically noted that construction on Plot GH-01 by M/s Rise Project Pvt. Ltd. for a G+19 tower was carried out without securing the mandatory AAI approval.

21. The Joint Committee has also found that treated water generated from the FSI-operated projects was being discharged into the Bamheta Nala without any valid permission from the competent authority, in violation of applicable norms. The Committee has further observed that although the FSIs came into existence around 2014–15, structural stability certificates were obtained much later—such as in 2024 for Ruchira (developed by M/s Pavitra) and in 2022 for Rise Organic Homes—indicating delayed compliance with essential safety requirements.

22. Once the land was transferred to the FSI developer, the Answering Respondent ceased to have any control or involvement whatsoever in the construction, design, layout, execution, or operation of any group-housing tower, commercial block or allied infrastructure undertaken by the individual FSIs. The responsibility to obtain project-specific EC, Consents to Establish (CTE), Consents to Operate (CTO), permissions under the Water/Air Acts, groundwater extraction permissions, fire NOCs, structural stability certifications, and compliance with all conditions of

environmental law stands solely and exclusively with these FSI developers.

23. Similarly, observations regarding ongoing construction, lack of barricading, disposal of treated water, absence of fire NOCs, non-compliance with NBC norms, absence of green building features, RWH deficiencies, and other operational lapses pertain to the functioning of the FSI projects. These are neither attributable to nor within the control of the Answering Respondent, who had completed its plotting-level development much prior to the commencement of any FSI construction.

24. The Committee has recorded that M/s SMV Agencies Pvt. Ltd. applied for renewal of the CTE on 23.05.2025, and for grant of fresh Consents to Operate on 03.06.2025 and 06.06.2025 respectively, and that all these applications remain pending before the UPPCB. It is submitted that these applications were filed by the Answering Respondent purely out of abundant caution and in order to ensure full procedural compliance.

RECOMMENDATIONS

25. After recording the above findings, the Joint Committee has issued several recommendations addressed to different statutory authorities. The Committee has observed that no EC was obtained

by the FSIs for the group housing projects exceeding 20,000 sq. m. and has treated this as a violation of the Environment (Protection) Act, 1986, leaving it open to SEIAA-UP/MoEF&CC to initiate appropriate action.

26. The Committee has recommended that the UPPCB may compute Environmental Compensation for the period during which construction activity was carried out by the FSIs without a valid CTE, and separately for the period during which the FSI projects have been operational without a valid CTO. It has also recommended that UPPCB may assess compensation for the discharge of untreated sewage from the date of issuance of occupancy certificates to the date on which a valid CTO is obtained, and for other violations noted by the committee.
27. The Committee has further advised that the Ghaziabad Development Authority may take appropriate action against those FSIs which have constructed high-rise buildings without mandatory height clearance from the Airport Authority of India. Similarly, GDA has been asked to consider action against the FSIs that have undertaken construction and operation of multistorey buildings without obtaining structural stability certificates within the prescribed timelines.

28. In view of the above, it is respectfully submitted that the Joint Committee Report itself establishes that all alleged violations pertain exclusively to the activities of the independent FSI developers who undertook group-housing construction after 2015, and not to the Answering Respondent. The Answering Respondent had completed its scope of development prior to the transfer of plots and FSI, and no material has been brought on record to show any act of omission or commission on the part of the Answering Respondent.

29. It is further submitted that the Answering Respondent has at all stages acted strictly in accordance with the approvals granted by the statutory authorities, including the Environmental Clearance of 2011, the sanctioned DPR, and the Consents issued by the UPPCB. There is no allegation or finding in the Joint Committee Report that the Answering Respondent undertook any construction beyond the plotting and infrastructure development duly covered by the permissions obtained.

30. On the contrary, the Joint Committee has clearly identified that all construction attracting Environmental Clearance requirements, Consent to Establish, Consent to Operate, height clearance, groundwater permission and other statutory compliances was to be undertaken individually by the FSIs after

receiving title and full developmental rights through registered deeds. Therefore, any computation of Environmental Compensation, if at all warranted, can only be assessed against the concerned FSI entities.

31. It is respectfully submitted that fastening liability upon the Answering Respondent for violations admittedly committed by independent transferee developers, long after the Answering Respondent had divested all rights, control and involvement, would be contrary to settled principles of environmental jurisprudence and wholly unjust.

32. In these circumstances, the Answering Respondent humbly prays that this Hon'ble Tribunal may be pleased to accept the present reply and be pleased to exonerate the Answering Respondent from any liability or adverse action arising out of the findings of the Joint Committee Report.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Take the present reply on behalf of Respondent No. 2 to the Joint Committee Report dated 22.07.2025 on record;

b. Pass any other order that this Hon'ble Tribunal may deem fit in the interest of justice.

For SMM AGENCIES PVT. LTD.

RESPONDENT NO. 2
Authorised Signatory

THROUGH

11/05/24
D-10379-2024

VSA LEGAL

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Date: 02.12.2025

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Versus

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AFFIDAVIT

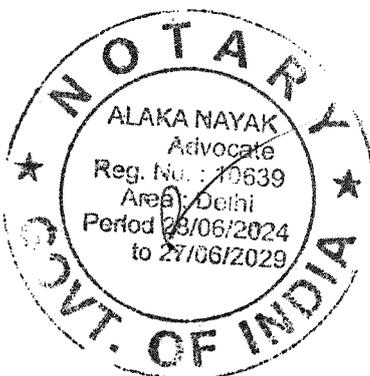
I, Shashank Varshney, S/o Rajkumar Varshney, aged about 47 years, Authorized Representative of Respondent No. 2 having its registered office at S-25, Green Park, Main Market, New Delhi – 110016, do hereby solemnly affirm and state as under:

1. That I am the Authorized Representative of Respondent No. 2 in the captioned case, and therefore am well conversant with the facts and circumstances of the case and competent to swear this Affidavit.

2. The accompanying reply has been drafted as per my instructions by my counsel, and I have read the contents of the reply and have understood the same.

For SMM AGENCIES PVT. LTD.


Authorised Signatory



3. I say that the same are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed from.

For SMV AGENCIES PVT. LTD.

[Handwritten Signature]

DEPONENT
Authorized Signatory

VERIFICATION:

I, the above-named deponent, do hereby solemnly affirm and verify that the facts stated in the above affidavit are true to the best of my knowledge and belief, no part of the same is false and nothing material has been concealed therefrom.

Verified at 01 DEC 2025 on this _____ day of December, 2025

For SMV AGENCIES PVT. LTD.

DEPONENT
Authorized Signatory

[Handwritten Signature]

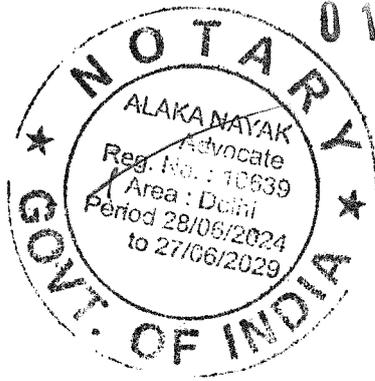
[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]
D-10329-2024
I identified the deponent who
as signed in my presence.

CERTIFIED THAT THE DEPONENT
has solemnly affirmed before me that
the contents of the affidavit which he
has read & explained to him are true and
correct to his knowledge

01 DEC 2025



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Office Vsalegal <office@vsalegal.in>

Proof of Service

Reply to Joint Committee Report dated 22.07.2025 on behalf of R-2 in OA/165/2025 i.e. "Kishan Lal & Anr. vs. State of Uttar Pradesh & Ors." pending before NGT, Principal Bench, New Delhi

1 message

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Tue, Dec 2, 2025 at 12:23 PM

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Cc: Harshit Joshi <harshitjoshi@vsalegal.in>

Dear Sir/Madam,

Please find attached herewith copy of the Reply on behalf of Respondent No. 2 to the Joint Committee Report dated 22.07.2025. in the captioned subject matter.

Kindly treat this email as due service of the same. Please ignore the previous mail.

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