

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW
DELHI

I.A. NO. 705 OF 2023
IN
ORIGINAL APPLICATION NO.287 OF 2022

IN THE MATTER OF:

Sh. Amit Kishore & Others Applicant

Versus

Uttar Pradesh State Pollution
Control Board & Others Respondents

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ADVOCATE FOR THE RESPONDENT NO.3 : MS. VEERA KAUL SINGH

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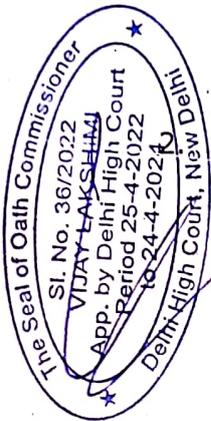
Uttar Pradesh State Pollution
Control Board & Others Respondents

REPLY ON BEHALF OF RESPONDENT NO. 3 - UTTAR
PRADESH AVAS EVAM VIKAS PARISHAD TO IA NO.
705/2023 FILED ON 10.09.2023 BY THE APPLICANTS FOR
PLACING ADDITIONAL DOCUMENTS ON RECORD

I, Sunil Kumar Singh, son of Sri Raj Narain Singh, aged about 59 years,
working as Executive Engineer, Construction Division Ghaziabad-1, U.p.
Avas Evam Vikas Parishad, VasundhraYojna, Sector -16, Vasundhra,
Ghaziabad. U.P. presently at New Delhi do hereby solemnly affirm and
state as under:

1. That the deponent is working as Executive Engineer in the
Respondent No.3 Board and is well conversant with the facts and
circumstances of the case and hence, competent to swear this
affidavit.

That before giving para-wise reply, it would be relevant to bring to
the notice of this Hon'ble Tribunal certain important facts pertaining
to the present case, which are as follows:-

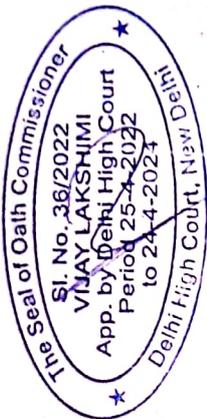


PRELIMINARY SUBMISSIONS

It is most important to state herein that once the handover has taken place, the Ghaziabad Nagar Nigam is in charge of maintaining the said area. It is not the perquisite of the Answering Respondent No. 3 to either allot, setup or to demolish the kiosks. Subsequent to the handover on 30.10.2002, the Vasundhara Avas Yojana was being maintained by the Ghaziabad Nagar Nigam. Therefore, the procedure in which the allotment and demolition of the kiosks was done can only be clarified by them. It is wrong to say that the Kiosks were removed at the behest of Respondent No. 3 as the Respondent No. 3 had absolutely no role to play in the allotment of the said kiosks and the subsequent ejection.

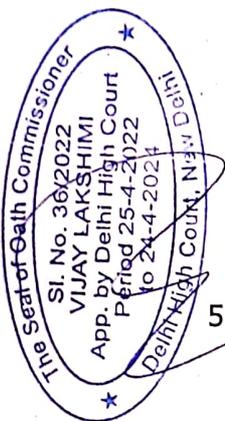
PARAWISE REPLY

- 1) That the contents of paragraphs 1 to 4 being a matter of record need no reply.
- 2) That the contents of paragraph 5 (c) and 6 are denied as false and incorrect qua Answering Respondent No. 3. It is not humbly submitted that the Respondent No. 3 has not made any contradictory statement in its affidavit dated 17.04.2023. The said affidavit was filed pursuant to the direction of this Hon'ble Tribunal asking the Respondent No. 3 to specifically mention as to whether the land in front of the CWR Overhead Tank is a part of Green Belt or not. A perusal of the said affidavit would show that the Respondent No. 3 had categorically stated that there is no green belt on the CWR



boundary, however, a green belt continues on both the sides of the CWR. The said affidavit only conveys the factual position at that relevant point of time and there is no contradiction in the stand of the Respondent No. 3 as has been alleged by the Applicants.

- 3) That the contents of paragraph 7 to 9, 9 (1) and 10 are denied as false and incorrect qua Respondent No. 3. A perusal of the relevant portion of the Measurement Book would show that the same was being maintained by the Answering Respondent No. 3 for the purpose of keeping a record of the Horticulture in the said area and that the measurement booklet was maintained till the handover to the Respondent No.2.
- 4) It is most humbly submitted before this Hon'ble Tribunal that to say that the Measurement Book is more suitable in deciphering the exact location of the Green Belt as compared to a plan (map) approved by the Answering Respondent No. 3 would be an absurdity. A perusal of the aforesaid Measurement Book annexed in the IA for placing on record additional documents would show that no conclusive proof or any such indication of the exact location of the Green Belt can be deciphered from the said Measurement Book. In as much as the Measurement Book placed on record by the Applicants is concerned, it is an inconclusive piece of evidence for the purpose of deciding the issue of location/existence of Green Belt in the said area in question.
- 5) It is pertinent to mention before this Hon'ble Tribunal that the Applicants on one hand submit in their Written Arguments dated



10.07.2023 that the Zonal Map submitted by the Respondent No. 3 before this Hon'ble Tribunal holds statutory validity and continues to be a conclusive piece of evidence and on the other hand state that Measurement Book maintained by the U.P. Avas Evam Vikas Parishad invalidates all the maps brought on record by the Respondent No. 3.

6) Moreover, the prayer of the Applicants in the Original Application has already been met and nothing remains for Applicants to agitate presently. The same is also evident from the order of this Hon'ble Tribunal dated 23.11.2022 wherein this Hon'ble Tribunal was pleased to reserve the judgement and order after concluding the arguments on hearing all the concerned parties. However, subsequently the Applicant has been raising frivolous issues one after the other without any basis and contrary to the facts on record to delay the adjudication of the present Original Application.

7) It is most humbly submitted that for the Hon'ble National Green Tribunal to invoke its jurisdiction, the Applicant has to show concrete evidence of infringement of any of the conditions by the Answering Respondent No.3 prescribed for maintenance and upkeep of the Green Belt. In the contentions raised by the Applicants subsequent to the reservation of the judgment and order reserved earlier, they have completely failed to place on record any action/ inaction on part of the Answering Respondent No. 3 in its duty of preserving and maintaining the Green Belt.



VERIFICATION :

I, the deponent above named do hereby solemnly swear and verify that the contents of above mentioned paragraphs of this affidavit are true to my knowledge; and are based on the perusal of record and on legal advice which all I believe to be true and no part of it is false and nothing material has been concealed.

Verified at New Delhi on 23rd day of September, 2023.

23 SEP 2023

DEPONENT
Executive Engineer
Construction Division GZB-01
U.P. Awas Evam Vikas Parishad
Vasundhara, Ghazlabad



I S/o D/o / W/o
Verified by Ms. *Pankaj Singh*
do hereby solemnly affirm before
on *23/9/23* Sl. No. *36/2022*
true and correct of my knowledge.

Oath Commissioner, New Delhi

[Handwritten signature]