

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH

ORIGINAL APPLICATION NO. 299 OF 2022

IN THE MATTER OF:
SANJAY KUMAR

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.RESPONDENTS

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NEW DELHI

DATED : 23.07.2022



(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board,

Respondent No. 3

138, New Lawyers' Chamber,

Supreme Court of India,

New Delhi-110 001.

Mobile 9810252518

E-mail: pradeepmisra@yahoo.com

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REPLY ON BEHALF OF RESPONDENT NO. 3, UTTAR
PRADESH STATE POLLUTION CONTROL BOARD.

I, Bijendra Kumar Singh, S/o. late Shri Udrej Singh, aged about 59 years, Regional Officer, U.P. Pollution Control Board, Bijnor, U.P. at present at New Delhi, do hereby solemnly affirm and declare as under:

1. That I in the capacity abovenoted am conversant with the facts and record of the present case, hence competent to swear this affidavit.
2. That I have gone through the Original Application filed on behalf of Applicant and have understood the same fully.
3. That at the outset of this reply I deny each and every averment of fact save and except those which are admitted by me specifically hereinafter.



PARAWISE REPLY:

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1. That in reply to the contents of Para 1 it is submitted that Respondent resident of Delhi, hence has no locus to file the present Application. However, it is further submitted that as per the information received from Ground Water Department the position of ground water in Uttar Pradesh has improved and Noorpur block is going to be categorized as semi-critical from critical. A copy of letter dated 18.07.2022 received from Executive engineer, Groundwater Department is enclosed and marked as **Annexure R/1** to this Reply.

2(a). That the contents of Para 2(a) are vague, hence denied. No particulars have been provided by the Applicant in this Para.

2(b)&2(c). That the contents of Paras 2(b) and 2(c) need no reply.

2(d)&2(e). That in reply to the contents of Paras 2(d) and 2(e) it is submitted that as informed by Ground Water Department, Noorpur block was notified as critical vide notification dated 17.06.2020 on the basis of assessment made in 2017. Thereafter, the position of ground water has improved and as per the information it is to be categorized semi critical from critical.

2(f)&2(g). That the contents of Paras 2(f) and 2(g) need no comments.

2(h). That in reply to the contents of Para 2(h) it is submitted that as informed by the Ground Water Department, Noorpur Block was notified as critical on the basis of Ground Water Resources assessment 2017, however, as per recent assessment, it is to be categorized as semi critical.



2(i)&2(j). That the contents of Paras 2(i) & 2(j) are matter of record, however, it is submitted that Respondent No. 6 applied for Environment Clearance pursuant to which public hearing took place on 05.05.2022. However, the Applicant neither participated in the public hearing nor submitted any objection in the public hearing.

2(k)&2(l). That in reply to the contents of Paras 2(k) & 2(l) it is submitted that as informed by the Executive Engineer, Ground Water Department, Moradabad Division, there is decrease of 6.31% in annual extraction of ground water in Noorpur block.

2(m). That the contents of Paras 2(m) & 2(n) are matter of record and nothing contrary to record is admitted.

3. That in reply to the contents of Para 3 it is submitted that Ground Water Security Plant has to be prepared and implemented by Ground Water Department.

4. That the contents of Para 4 need no comments.

5. That the contents of Para 5 are denied for want of knowledge.

6. That the grounds of challenge are argumentative and the same will be replied at the time of hearing.

7. That the prayer clause is wrong and thus denied. The applicant is not entitled for any relief.



4
The above facts are being placed for kind consideration of this Hon'ble Tribunal.

Rm
DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of above affidavit are true to my knowledge derived from official record. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 22ND DAY OF JULY, 2022 AT NEW DELHI.

Rm
DEPONENT



ATTESTED
Renu
RENU BALA REG No. 16727
NOTARY DELHI
GOVERNMENT OF INDIA

22 JUL 2022

OFFICE OF EXECUTIVE ENGINEER, GROUND WATER
DEPARTMENT, DIVISION-MORADABAD, NEAR B-161/4, JIGAR
VIHAR COLONY, CIVIL LINES, MORADABAD

Letter No. 159/G.W.D.D.-Mora./T-4 Dated Moradabad July, 18, 2022

Sub: Regarding order dated 05.05.2022 passed by Hon'ble National
Green Tribunal, New Delhi in pending O.A. No. 299/2022.

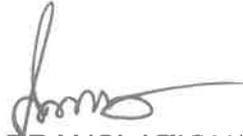
Regional Officer, U.P. State Pollution Control Board, District Bijnor.

Kindly take reference of your letter No. 400/B-23/Bijnor-2022 dated
15.07.2022 on the above subject, in which the desired pointwise
information are as follows:

1. Rules of U.P. Groundwater (Management and Regulation) Act, 2019 are enforced from the date of notification No. 158/76-3-2020-10GW-2014(Rules) dated 25.02.2020.
2. By notification No. 331/76-2020-13, NG/Lucknow dated 17.06.2020 issued by Government of U.P. Namami Gange and Rural Water Supply, Section-3, Development Block, Noorpur, District Bijnor has been declared as notified area. The said notification has been issued on the basis of Dynamic Ground Water Resource, 2017. At present as per Dynamic Ground Water Resource dated 31.03.2020 issued by Government of India, Development Block, Noorpur, District Bijnor has been categorized in Semi Critical category. Only after issuance of new notification by State Ground Water Management and Regulatory Authority, District Ground Water Management Council will ensure action according to law for extraction of ground water as per the provisions of U.P. Group Water (Management and Regulation) Act, 2019 and the Rules 2020.

3. According to Dynamic Ground Water Resources Report, 2017 the annual ground water extraction rate is 96.24% in Development Block, Noorpur, District Bijnor and as per Dynamic Water Resources Report, 2020, the rate of annual ground water extraction is 89.93%, according to which there is reduction of 6.31% in annual ground water extraction rate.
4. As per U.P. Ground Water (Management and Regulation) Act, 2019 in notified area after issuance of No Objection Certificate, against extraction of ground water 200% ground water recharge by rain water harvesting is provided and in non-notified area 100% ground water recharge through rain water harvesting is provided.

Sd/- Illegible
(Saurabh Shah)
Executive Engineer



//ENGLISH TRANSLATION//

कार्यालय
अधिकासी अभियन्ता,
भूगर्भ जल विभाग, खं०-मुरादाबाद,
निकट सी-161/4, जिगर विहार कालोनी,
सिविल लाईन मुरादाबाद।

7

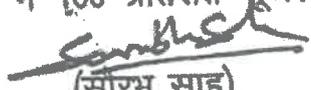
पत्रांक-159/भू०ज०वि०खं०-मुरा०/टी-4

दिनांक/मुरादाबाद/जुलाई/2022

विषय:-मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० संख्या-299/2022 संजय कुमार बनाम स्टेट आफ उ०प्र० एवं अन्य पारित आदेश दिनांक-05-05-2022 के संबंध में।

क्षेत्रीय अधिकारी, उ०प्र० प्रदेश प्रदूषण नियन्त्रण बोर्ड जनपद-बिजनौर।

- उपरोक्त विषय अपने पत्र दिनांक-400/बी-23/बिजनौर-2022, दिनांक-15-07-2022 का सन्दर्भ ग्रहण का कष्ट करें। जिसके द्वारा चाही गई बिन्दुवार सूचना निम्नवत् है-
1. उ०प्र० भूगर्भ जल(प्रबन्धन और विनियमन) अधिनियम,2019 कि नियमावली अधिसूचना संख्या-158/76-3-2020-10जी०डब्लू०-2014(नियमावली) लखनऊ, दिनांक-25-02-2020, से लागू है।
 2. उत्तर प्रदेश शासन नमामि गंगे तथा ग्रामीण जलपूर्ति अनुभाग-3 के अधिसूचना सं०-331/76-3-2020-13, एन०जी०/लखनऊ दिनांक-17-06-2020, के द्वारा जारी अधिसूचना के अन्तर्गत विकास खण्ड-नूरपुर जनपद-बिजनौर को अधिसूचित क्षेत्र घोषित किया गया है। उक्त अधिसूचना डायनामिक ग्राण्ड वाटर रिसोर्स रिपोर्ट 2017 के अनुसार लागू कि गई है। वर्तमान में भारत सरकार द्वारा जारी डायनामिक ग्राण्ड वाटर रिसोर्स रिपोर्ट दिनांक-31-03-2020, के अनुसार विकासखण्ड-नूरपुर जनपद-बिजनौर को सेमी किटीकल श्रेणी में वर्गीकृत किया गया है। राज्य भूगर्भ जल प्रबंधन और नियामक प्राधिकरण द्वारा नई अधिसूचना लागू किये जाने के उपरान्त ही जिला भूगर्भ जल प्रबन्धन परिषद् द्वारा उत्तर प्रदेश भूगर्भ जल(प्रबन्धन और विनियमन) अधिनियम-2019 एवं नियमावली 2020, के अनुपालन में भूजल निष्कर्षण किये जाने हेतु नियमानुसार कार्यवाही सुनिश्चित कि जायेगी।
 3. डायनामिक ग्राण्ड वाटर रिसोर्स रिपोर्ट 2017 के अनुसार विकासखण्ड नूरपुर जनपद-बिजनौर की वार्षिक भूजल आहरण दर 96.24 प्रतिशत एवं डायनामिक ग्राण्ड वाटर रिसोर्स रिपोर्ट 2020 के अनुसार वार्षिक भूजल आहरण दर 89.93, प्रतिशत है। जिसके अनुसार वार्षिक भूजल आहरण दर में 6.31 प्रतिशत की कमी आयी है।
 4. उ०प्र० भूगर्भ जल (प्रबन्धन और विनियमन) अधिनियम,2019 के अनुसार अधिसूचित क्षेत्रों में अनापत्ति प्रमाण-पत्र निर्गत होने के पश्चात् नियमानुसार भूजल निष्कर्षण के सापेक्ष 200 प्रतिशत भूजल संचयन रेनवाटर हार्वेस्टिंग प्राविधानित है एवं गैर अधिसूचित क्षेत्रों में 100 प्रतिशत भूजल संचयन रेवाटर हार्वेस्टिंग प्राविधानित है।


(सौरभ साह)
अधिकासी अभियन्ता

पत्रांक- /भू०ज०वि०खं०-मुरा०/तादिनांक।
प्रतिलिपि-जिलाधिकारी महोदय, बिजनौर की सेवा में अवलोकनार्थ प्रेषित।


Bruce Cesty

(सौरभ साह)
अधिकासी अभियन्ता



OA No. 229 of 2022 Sanjay Kumar Vs State of U P

From: Pradeep Misra (pradeepmisra@yahoo.com)
To: advocatenandita@gmail.com; advpriyankaswami@gmail.com

Date: Saturday, July 23, 2022 at 10:16 AM GMT+5:30

Sir/Madam,

Please find attached the Reply Affidavit on behalf of U P Pollution Control Board in the matter of OA No. 229 of 2022 Sanjay Kumar Vs State of U P

With Regards,

(PRADEEP MISRA)



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390 KB