

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 249 OF 2021

IN THE MATTER OF:

DALJEET SINGH & ANR.

...APPLICANT(S)

VERSUS

UTTAR PRADESH POLLUTION

CONTROL BOARD & ORS.

...RESPONDENT(S)

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Through:

FILED BY:

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Date: 04.01.2022

Place: Noida

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 249 OF 2021

IN THE MATTER OF:

DALJEET SINGH & ANR.

VERSUS

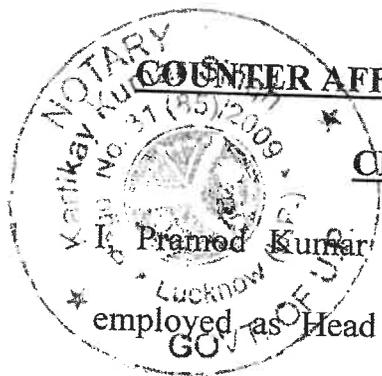
UTTAR PRADESH POLLUTION

CONTROL BOARD & ORS.



COUNTER AFFIDAVIT/ REPLY ON BEHALF OF RESPONDENT NO.4/

CENTRAL GROUND WATER AUTHORITY



I, Pramed Kumar Tripathi, S/o Late Mukta Prasad Tripathi, Aged 52 year, employed as Head of Office, Central Ground Water Board Northern Region, functioning at Lucknow, do hereby solemnly affirm and declare as under:

1. That I am duly authorized and competent to swear this affidavit on behalf of Central Ground Water Authority, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, in the above matter.
2. That I have read and understood order passed by the Hon'ble NGT and filing this Counter Affidavit in compliance of direction passed by the Hon'ble

SWORN & VERIFIED
BEFORE ME

Kumar Singh
(Advocate)

3. That the contents of the Appeal that have not been specifically admitted or are matter of record be deemed denied.

4. That the deponent craves liberty to raise additional submission or file additional affidavits in case need arises during the course of arguments.

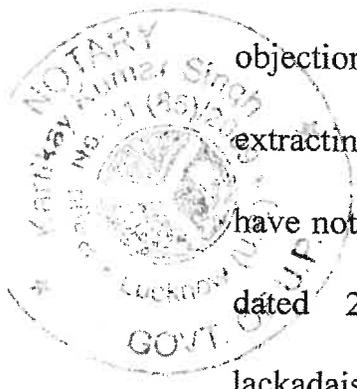
BRIEF SUBMISSIONS:

5. That, the Applicant under this application seeks directions from this Hon'ble Tribunal to take appropriate actions against the local authorities who have acted recklessly by permitting the Project Proponents (**Private Respondent No. 7 to 14**), herein to carry out mining activity for up to two years without obtaining approval from UPPCB and other concerned departments. The present OA is being instituted in respect of failure to impose environmental compensation on the said project proponents who have admitted to carrying out illegal river bed sand mining in District Saharanpur, Uttar Pradesh without seeking permission from UPPCB and other concerned departments.

The brief facts germane for just and proper adjudication of the instant matter are submitted hereunder:

6. It is submitted that none of the Private Respondents herein have sought, No objection Certificate ('NOC') from the Central Ground Water Authority for extracting ground water. The Project Proponents have also overlooked and have not complied with guidelines issued by Central Ground Water Authority dated 24.09.2020. Further, the local administration has manifested lackadaisical approach in the present matter by not verifying if the commencements of sand mining by the private respondents are duly backed by requisite permissions and approvals from the concerned authorities.

7. Furthermore, it is submitted that Issuing/Renewal of NOC to the project proponents in the State of Uttar Pradesh is no longer within the purview of CGWA. It is pertinent to mention that permission from CGWA for extraction of ground water by the Project Proponents is only required wherein ground water development is not regulated by the concerned State Government / Union Territory administration. To that effect Uttar Pradesh State Ground Water Management & Regulatory Authority is constituted separately by the State of



NOTARY & VERIFIED
3/11/2022
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Uttar Pradesh and is vested with the power of regulating and managing the ground water resources besides issuing of NOCs for ground water abstraction in the State of Uttar Pradesh, therefore the Project Proponent shall seek NOC from the Ground Water Department of Uttar Pradesh. It is pertinent to mention that the Ground Water Department of Uttar Pradesh is completely functional since October, 2020.

PARA WISE REPLY:

- A. The contents of Para A does not warrant reply from the answering Respondent as the same is a matter of record.
8. The contents under Para 1 and 2 does not warrant reply from the answering Respondent as the same is a matter of record.
9. The content of Para 3 are matter of record.

10. In reply to the contents of Para 4 it is submitted that the Project Proponents have not been issued NOC from CGWA for extraction ground water. Furthermore, it is submitted that Issuing/Renewal of NOC to the project proponents in the State of Uttar Pradesh is no longer within the purview of CGWA. It is pertinent to mention that permission of CGWA for extraction of ground water by the project proponents is only required wherein ground water development is not regulated by the concerned State Government / Union territory administration. To that effect Uttar Pradesh State Ground Water Management & Regulatory Authority is constituted by the State Government

of Uttar Pradesh and is vested with the power of regulating and managing the ground water resources besides issuing of NOCs for ground water abstraction in the State of Uttar Pradesh. It is pertinent to mention that the said department is fully functional since October, 2020.

11. That, the contents of Paragraph 5 to 18 does not pertain to the answering Respondent and hence need no reply.

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BEFORE ME
Kumar Singh
(Advocate)
INDIA

12. The contents of Para 19 and 20 are matter of record. It is further submitted that provided the Project Proponent is indulged in illegal mining of sand along with illegal extraction of ground water, shall hereby compensate in accordance with the mechanism furthered by this Hon'ble Tribunal.

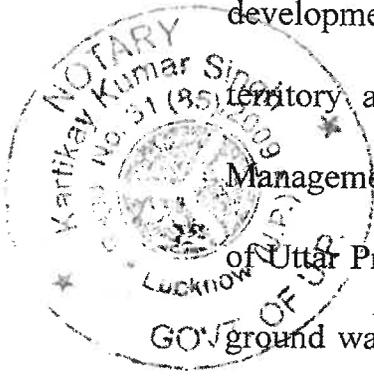
13. The content of Para 21 to 28 warrants no reply from the answering Respondent as the same is a matter of record.

14. In reply to the contents of Para 29 it is submitted that the Project Proponents have not been issued NOC from CGWA for extraction ground water. Furthermore, it is submitted that Issuing/Renewal of NOC to the project proponents in the State of Uttar Pradesh is no longer within the purview of CGWA. It is pertinent to mention that permission of CGWA for extraction of ground water by the project proponents is only required wherein ground water development is not regulated by the concerned State Government / Union territory administration. To that effect Uttar Pradesh State Ground Water Management & Regulatory Authority is constituted by the State Government of Uttar Pradesh and is vested with the power of regulating and managing the ground water resources besides issuing of NOCs for ground water abstraction in the State of Uttar Pradesh. It is pertinent to mention that the said department is duly functional since October, 2020. Thus, all the project proponents in the State of Uttar Pradesh are now required to comply with the provisions of Uttar Pradesh Ground Water (Management & Regulation) Act, 2019.

15. The contents of Para 30 warrant no response from the answering Respondent as the same does not pertain to CGWA.

16. The content of Para 31 warrants no response as the same is a matter of record.

In reply to the contents of Para 32 it is submitted that the Project Proponents have not sought NOC from CGWA besides no consent/approval was ever furthered by CGWA for extraction of ground water. To that effect Uttar

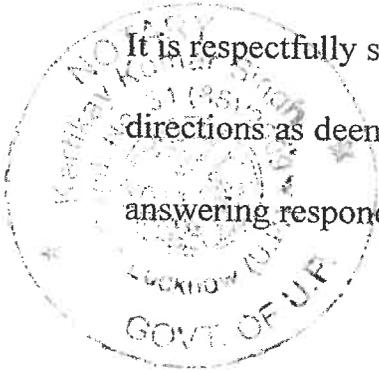


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BEFORE ME
Kartikay Kumar Singh
(Advocate)
3/1/2022
Lucknow (U.P.) INDIA

Pradesh State Ground Water Management & Regulatory Authority is constituted by the State Government of Uttar Pradesh and is vested with the power of regulating and managing the ground water resources besides issuing of NOCs for ground water abstraction in the State of Uttar Pradesh. It is pertinent to mention that the said department is duly functional since October, 2020. It is further submitted that provided the Project Proponent was indulged in illegal mining of sand along with illegal extraction of ground water shall hereby compensate in accordance with the mechanism furthered by the Hon'ble Tribunal.

18. That, the contents of Paragraph 33 to 47 warrant no response from the answering Respondent as the same does not pertain to CGWA.

It is respectfully submitted that the application may kindly be disposed with orders/directions as deemed fit and proper in the facts and circumstances of this case. The answering respondent may kindly be exempted from personal appearance.



VERIFICATION

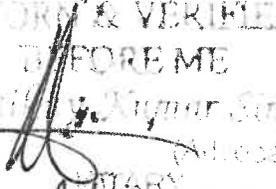
Verified at Lucknow on this 3 of January, 2022, that the contents of the above affidavit are true and correct to the best of my knowledge. No. part of it is false and nothing material has been concealed therefrom.


DEPONENT

(पी. के. त्रिपाठी)
वैज्ञानिक-डी एवं कार्यालय प्रमुख
केन्द्रीय भूमि जल बोर्ड (उ.प्र.)
भारत सरकार
लखनऊ-226021


DEPONENT

(पी. के. त्रिपाठी)
वैज्ञानिक-डी एवं कार्यालय प्रमुख
केन्द्रीय भूमि जल बोर्ड (उ.प्र.)
भारत सरकार
लखनऊ-226021

SWORN & VERIFIED
BEFORE ME

3/1/2022

I know and identify the deponent who
has made the above statements.

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1/4/22, 1:42 PM

Ardhendumauli Mail - Reply: O.A. No. 249 of 2021 Daljeet Singh & Anr. Versus Uttar Pradesh Pollution Control Board & Ors

a

Ardhendumauli Prasad <mail@ardhendumauli.com>

Reply: O.A. No. 249 of 2021 Daljeet Singh & Anr. Versus Uttar Pradesh Pollution Control Board & Ors

1 message

Chambers of Mr. Ardhendumauli Kr. Prasad <mail@ardhendumauli.com>
To: anant2k94@gmail.com

Tue, Jan 4, 2022 at 1:42 PM

Sir,

Please find attached reply to be filed on behalf of the Central Ground Water Board (R-4) in the above-captioned matter.

Kindly treat this as an effective service.

Regards,
Ashish Madaan
Advocate

FOR:

Mr. Ardhendumauli Kumar Prasad

Advocate on Record
Supreme Court of India

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A-52, Sector 17A,
NOIDA - 201301
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 **Reply_OA 249 of 21 PB Daljeet Vs UPPCB and Ors.pdf**
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**VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

Appeal/Original Application No. 249 of 2021

IN THE MATTER OF:

Daljeet Singh & Anr.

...APPLICANT

VERSUS

Uttar Pradesh Pollution Control Board & Ors.

...RESPONDENT

KNOW ALL to whom these present shall come that I, PRAMOD KUMAR TRIPATHI, about 52 Years, S/o Late M.P. Tripathi, working as Head of Office having office at Bhujal Bhawan, Central Ground Water Board, Northern Region, Sector-B, Aliganj, Sitapur Road Yojna, Lucknow-226021.

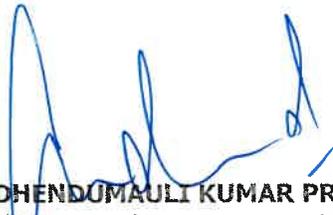
The above named do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him:-

To act, appear and plead in the above-noted case in this Tribunal in which the same may be tried or heard subject to payment of fees by CGWB. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other applications/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 AND cheques towards compensation, grant receipts thereof and to do all other lawful acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. And I/We the undersigned do hereby agree to ratify and confirm all lawful acts done by the Advocate or his substitute authorized by Tribunal 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 Advocates for appearance when the case is called. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

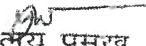
And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid in terms of M/o law & Justice OMs/Orders/guidelines, to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Tribunal. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same unless it is erroneously settled and if the case prolongs for more than 3 years the fee shall be regulated in accordance with the guidelines of M/o Law & Justice issued from time to time.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 3 day of January 2022.

Accepted subject to the terms of fees prescribed by M/o Law & Justice for cases in NGT.


ARDHENDUMAULI KUMAR PRASAD
Senior Central Government Standing Counsel
A-52, Sector 17-A, NOIDA, U.P. 201301
Mobile No. 9818612800
E-Mail: mail@ardhendumauli.com

CLIENT


कार्गलिय प्रमुख
HEAD OF OFFICE
केन्द्रीय भूमि जल बोर्ड (उ.क्षे.)
Central Ground Water Board (N.R.)
भारत सरकार
Government of India
लखनऊ-226021
Lucknow-226021