

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

OA NO.249 OF 2024

IN THE MATTER OF –

ER. KAPIL DEV

..... APPLICANT

VS

STATE OF PUNJAB & ORS.

..... RESPONDENTS

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TRHOUGH COUNSEL

Sandeep Bajaj

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PALCE MOHALI
DATED 14.08.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI**

OA NO.249 OF 2024

In the Matter of -

Er. Kapil Dev

.....Applicant

Versus

State of Punjab &Ors.

.....Respondents

**REPLY BY WAY OF AFFIDAVIT ON
THE BEHALF OF THE RESPONDENT
NO. 4 (GREATER MOHALI AREA
DEVELOPMENT AUTHORITY)**

Most Respectfully Showeth:-

I, Ranjiv Manaktala, Divisional Engineer (Public Health-1), Greater Mohali Area Development Authority ("**Respondent No.4**"), do hereby solemnly affirm and state as under -

1. I state that I am working as Divisional Engineer (Public Health-1) in Greater Mohali Area Development Authority, arrayed as Respondent No.4 in the captioned Original Application, as such I am conversant with the facts of the captioned Original Application and competent to swear the present Affidavit.
2. I state that the present Affidavit is being filed in the compliance of the order dated 03.07.2024 passed by this Hon'ble Tribunal in the captioned Original Application.
3. I state that the captioned Original Application has been preferred by the Applicant alleging discharge of domestic effluents and drainage of the same at various locations GPS Coordinates of which are enumerated hereinbelow -

GPS Coordinates	Particulars
30.606765, 76.791212	Distributary passing along Chattbir Zoo Road
30.636178, 76.801908	Drain passing under the National Highway at Plot adjoining to "Jai



	Shiv Shankar Marble” (Commercial Outlet) situated opposite to Maruti Suzuki Arena Showroom.
30.635001, 76.801559	Effluents flowing in the Open Plot situated along the National Highway without any Drainage Pipes System
30.632031, 76.799204	Open Land likely to be a Village Pond/Water Body
30.632970, 76.799766	Storm Water Drain situated under aforementioned National Highway
Hereinafter collectively referred as “said Locations”.	

4. At the outset, it is humbly submitted that the said locations do not fall under the jurisdiction of the Respondent No. 4, rather the same fall in the jurisdiction of Municipal Council, Zirakpur. As such, Respondent No. 4 is not the appropriate authority to take remedial action. Therefore, it seems that Respondent No.4 has been erroneously impleaded as Respondent in the captioned Original Application.

5. That the present Affidavit is bonafide in nature and is filed in the interest of justice.

Place:-S.A.S Nagar
Dated



Ranjiv Mahabale
12/08/2024
DEPONENT
Divisional Engineer (PH-1)
GMADA, S.A.S. Nagar

VERIFICATION

Verified that the contents of Paragraphs No. 1 to 5 of the above Affidavit are true and correct to my knowledge as derived from the official Records. No part of the above Affidavit is false and nothing material has been kept concealed or suppressed therein.

Place:-S.A.S Nagar
Dated

Attested As Identified
[Signature]
Executive Magistrate
S.A.S. Nagar (Mohali)
14/8/24

Ranjiv Mahabale
12/08/2024
DEPONENT
Divisional Engineer (PH-1)
GMADA, S.A.S. Nagar

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POWER OF ATTORNEY

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

OA/249/2024

Er. Kapil Dev

... Complainants

Versus

State of Punjab and others

... Respondents

Know all to whom these presents shall come that I / We, the undersigned appoint SANDEEP BAJAJ AAG to be the Advocate for the Appellant (s) in the above mentioned case, to do the following acts, deeds and things or any of them, that is to say :-

1. To act, appear and plead in the above mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or Execution or in any other stage of its progress until its final decision.
2. To present pleadings, appeals, Letters Patent Appeals, petition for appeal or any other petition to the Supreme Court, cross objection or petition for execution, review, revision withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said cause at all its stages.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that shall arise touching or in any manner relating to the said cause.
4. To receive payments and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said cause.
5. To employ any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred upon Advocates whenever they may think fit to do so.

AND I / We hereby agree to ratify whatever the Advocates or their substitute shall do in the premises and in this connection.

AND I / We hereby agree not to hold the Advocates or their substitute responsible for the result of the said cause in consequence of his absence from the Court when the said cause is called up for hearing.

AND I / We hereby agree that in the event of the whole or any part of the fee agreed by me / us to be paid to the Advocates remaining unpaid, they shall be entitled to withdraw from the prosecution of the said cause until the same is paid.

AND I / We hereby agree that the Advocates will not be bound to appear before us if the case is transferred to any other Court or if the Court sits at any place other than its normal place of sitting.

IN WITNESS WHEREOF I / We hereunto set my / our hands to these presents the contents of which have been explained to and understood by me / us.

This the 14 of 08, 2024.

Rajiv Manaktale
(Signature/thumb impression of Client)

12/08/2024
Divisional Engineer (PH-1)
GMADA, S.A.S. Nagar

ACCEPTED

Sandeep Bajaj
**D/782/2007
ADVOCATES**

SERVICE OA NO. 249 OF 2024

manyu sehgal <sehgalmanyu@gmail.com>

Wed 21/08/2024 18:23

To: Kapil Arora <aroraengineers@gmail.com>; cs@punjab.gov.in <cs@punjab.gov.in>; dc.mhl@punjab.gov.in <dc.mhl@punjab.gov.in>; eomczirakpur@yahoo.in <eomczirakpur@yahoo.in>; eic.pwssb@punjab.gov.in <eic.pwssb@punjab.gov.in>

1 attachments (578 KB)

NGT OA NO 249 OF 2024 REPLY R-4 KAPIL DEV VS STATE OF PUNJAB & ORS.pdf;

CAUTION: External Email.

Dear Sir,

We are concerned for the Respondent No. 4 in the captioned Original Application . Please find herewith attached scanned copy of the reply filled on the behalf of Respondent No.4.

Kindly treat this as a sufficient service upon you .

Regards ,

Advocate Manyu Sehgal