

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 331/2024

IN THE MATTER OF:

YOGESH KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT(S)

INDEX

S. NO.	PARTICULARS	PG. NO.
1.	Reply Affidavit on behalf of Respondent no. 5 (New Okhla Industrial Development Authority)	1-9
2.	Proof of service	10

THROUGH

**SAMEERJAIN/SUVIGYA AWASTHY /
DEEPESH RAJ****Counsel for Respondent No. 5****PSL Advocate & Solicitors****A-220, Defence Colony****New Delhi -110024****Email-Suvigya@pslchambers.com****Mob- 9826805432****Date :13.09.2024****Place: Noida**

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 331/2024



IN THE MATTER OF:

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REPLY AFFIDAVIT ON BEHALF OF RESPONDENT
NO. 5 (NEW OKHLA INDUSTRIAL DEVELOPMENT
AUTHORITY)

I, Paras Nath Sonkar , aged about 59 years, son of
Sh.Chandrika Rarn, having office at New Okhla Industrial
Development Authority, Sector 6, Department-Work Circle-

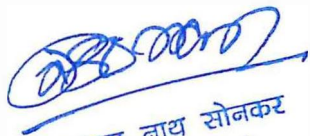


पारस नाथ सोनकर
प्रबन्धक (सि०)
वर्क सर्किल-प्रथम
नौएडा

1, Gautam Budh Nagar, Uttar Pradesh-201301, do hereby solemnly affirm and state as follows:

1. That I am presently serving as Manager, in Work Circle-1 at New Okhla Industrial Development Authority, herein Respondent no. 5 ("NOIDA/Answering Respondent") in the present application. I am well conversant with the facts & circumstances of the present case having perused the records pertaining to case available in my office. I am authorised to swear the present affidavit on behalf of Respondent no. 5 and competent to make the present affidavit.




पारस नाथ सोनकर
प्रबन्धक (सि०)
बक सॉलिस-प्रथम
नौरडा

2. I say that all the averment made in the Application, which are not borne from documentary record and contentions raised in the Application and which are not in consonance with law are denied. No pleading in the Application shall be deemed to have been admitted unless it is specifically admitted by the Answering Respondent in the Reply Affidavit.

3. That I have read and understood the present Application before filling of the present Reply Affidavit.

I crave liberty of this Hon'ble Tribunal to file a detailed para-wise reply to the Application as and when required at later stage, if any occasion arises.




पारस नाथ सोनकर
प्रबन्धक (लि०)
वर्क सिकल-प्रथम
नोएडा

4. That instant Application is filed by the Applicant under Section 18(1) read with Section 14 & 15 read with Section 17 of the National Green Tribunal Act, 2010, *inter-alia* seeking following relief from this Hon'ble Tribunal-

“(a) Issue an order or direction commanding the Respondent Nos. 2, 3, 4 and 7 to remove the illegal pukka construction and wall raised inside the Okhla Bird Sanctuary, AND;

(b) Issue an order or direction forming a committee of experts to assess the adverse impacts of raising pukka construction inside



A handwritten signature in blue ink, appearing to read "Paras Nath Sonkar".

पारस नाथ सोनकर
प्रबन्धक (सि०)
वर्क सर्किल-प्रथम
नौरडा

the protected areas and issue general directions w.r.t sanctuaries located in the state of Uttar Pradesh to not raise any pukka construction inside the protected areas, AND;

(c) Impose heavy cost upon the Respondent No. 3, 4 and 7 for failing to protect the Sanctuary, AND;

(d) Issue, any other order or direction as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

(e) Award the cost of Original application to the applicant."

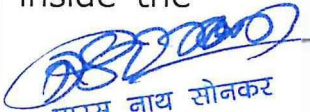


(Signature)
पारस नाथ सोनकर
प्रबन्धक (सि०)
वर्क ऑफिस-प्रथम
नौरडा

5. It is respectfully submitted that the relief prayed by the Applicant in the present Application is explicitly related to Respondent no. 2,3,4 and 7. It is further submitted that no relief is sought against NOIDA in present Application.

6. The Answering Respondent is established under the provisions of Uttar Pradesh Industrial Development Act, 1976 and is entrusted with development of Industrial and Urban township in the notified area of Gautam Budh Nagar, Uttar Pradesh. It is submitted that the Applicant sought relief from this Hon'ble Tribunal to direct the Respondents to remove the illegal pukka construction and wall raised inside the




पारस नाथ सोनकर
प्रबन्धक (सि०)
वर्क सर्किल-प्रथम
नौरडा

Okhla Bird Sanctuary and to form a committee to assess the adverse impacts of raising pukka construction inside the protected areas. It is pertinent to mention that Okhla Bird Sanctuary falls within the jurisdiction of Divisional Forest Officer, Gautam Budh Nagar herein Respondent no. 7 and NOIDA does not have any jurisdiction upon it.

7. That the Applicant had arrayed NOIDA as a party in the present Application without application of mind as NOIDA does not have any role whatsoever in relation to the relief sought by the Applicant. It is submitted that NOIDA is neither a necessary party nor a proper party in the present dispute.




पारस नाथ सोनकर
पब्लिक (सि०)
वर्क साकल-प्रथम
नौएडा

8. In light of the foregoing submissions, it is respectfully prayed that this Hon'ble Tribunal to disposed off the present application against Respondent no. 5 and issue orders, directions, or relief as it may deem appropriate and just under the circumstances of the present case.

Sain

VERIFICATION

[Handwritten Signature]

DEPONENT

पारस नाथ सोनकर
प्रबन्धक (सि०)
वर्क सर्किल—प्रयम
नौएडा

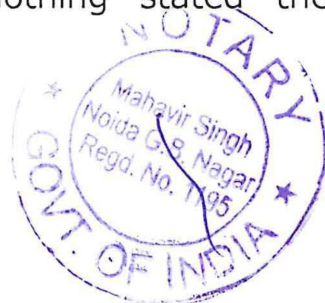
Verified at Gautam Budh Nagar on

11.09.2024 that the factual contents of

this Reply Affidavit are true and correct to my

knowledge as derived from the records of the case

and nothing stated therein is false and nothing



[Handwritten Signature]

पारस नाथ सोनकर
प्रबन्धक (सि०)
वर्क सर्किल—प्रयम
नौएडा

material has been concealed there from. The last paragraph is prayer to this Hon'ble Tribunal.

DEPONENT

पारस नाथ सोनकर
प्रवक्ता (सि०)
वकील-सकल-प्रथम
नोएडा

**ATTESTED**

MAHAVIR SINGH
NOTARY
G B NAGAR (U.P.)

11 SEP 2024

Service-REPLY AFFIDAVIT BY R-5 NOIDA IN OA NO. 331 of 2024 YOGESH KUMAR VS UNION OF INDIA

Deepesh Raj <Deepesh@pslchambers.com>

Fri 13/09/2024 17:03

To:nisharaigcc@gmail.com <nisharaigcc@gmail.com>;pccf-up@nic.in <pccf-up@nic.in>;psecup.irrig@nic.in <psecup.irrig@nic.in>;dmgbn@nic.in <dmgbn@nic.in>;dfonoida@gmail.com <dfonoida@gmail.com>; yogeshlegalservices@gmail.com <yogeshlegalservices@gmail.com>;secy-moef@nic.in <secy-moef@nic.in>; govil.sristi@gmail.com <govil.sristi@gmail.com>
Cc:Sameer Jain <sameer@pslchambers.com>;Suvigya Awasthy <suvigya@pslchambers.com>

📎 1 attachments (2 MB)

REPLY AFFIDAVIT BY R-5 NOIDA IN OA NO. 331 of 2024 YOGESH KUMAR VS UNION OF INDIA.pdf;

Sir/Ma'am,

We write to you for and on behalf of our client *viz.*, New Okhla Industrial Development Authority (NOIDA), being Respondent No. 5 in the captioned matter pending adjudication before the Hon'ble National Green Tribunal, New Delhi, and hereby serve you the attached reply being filed on behalf of Respondent No. 5.

Kindly be advised that the present service may be deemed as an advance service of the reply being filed on behalf of Respondent No. 5.

-

Best Regards,

Deepesh Raj

Counsel for Respondent no. 5

PSL Advocates
& Solicitors

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Legal 500 – Winner – Dispute Resolution – Arbitration Firm of the Year [2024]; Tier 1 in Dispute Resolution: Arbitration [2024, 2023, 2022, 2021, 2020]

Benchmark Litigation – Ranked in International Arbitration, Construction, Commercial and Transactions, Insolvency and Government and Regulatory [2024, 2022, 2021, 2020, 2019, 2018];

AsiaLaw – Recommended Firm in Dispute Resolution, Insolvency and Bankruptcy and Construction [2023, 2022, 2021, 2020]

India Business Law Journal – Winner – Indian Law Firm Awards in Arbitration and ADR [2022]

IFLR1000 – Notable Firm in Insolvency & Bankruptcy [2022, 2021]

Asia Legal Business – Ranked as Arbitration Law Firm of the Year and Dispute Resolution Boutique Law Firm of the Year [2024];

Expert Guides, Asia Pacific - Arbitration Expert [2020, 2021]

Forbes India – Tier 1 Tier in Arbitration & Insolvency [2021]

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