

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 265 OF 2022

IN THE MATTER OF:

Prasoon Pant and Anr.

.... APPLICANT

Vrs.

MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE
AND OTHERS

..... RESPONDENTS

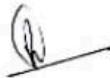
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Filed by

New Delhi
Filed On: 07.09.2022


(Shashank Singh)
Advocate for
Respondents No.6
Enr:-D-390/2010
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New Delhi-110065
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राजीव रतन शाह
नगर नियोजक





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**Reply on behalf of Ghaziabad Development Authority Respondent
No.6**

Most Respectfully Showeth:

Preliminary Submissions

1. That at the outset it is stated that the averments in the OA are denied except those which are matter of record.
2. The present application has been filed by the Applicant against a private enterprise called Durga Enterprises Pvt. Ltd. creating a Durga Industrial Park Comprising of 360 industrial plots in Critically Polluted Area.
3. That the applicant has made Ghaziabad Development Authority as Respondent No.6 as the Authority responsible for sanctioning zonal plans and herein the sanctioning authority for industrial plots.
4. That Durga enterprises pvt ltd by khasra s-1/2m,2to 24,25/m,26m,27m, 27m, 28,29,30/m 31/m 32/1^{मे} 37m,38m,39m,39m,40m,41m village Jhandapur, khasra no 448/m,449/m 450/m 451 452/1, 453/1,454,455/2m,


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455/3,456/1m,457,458m,460m,461m,463m,465/1m,466,467m and. 468/22m village Jagola and Khasra S-4947/6m, the layout of industrial land on the land of village Pasauda, Ghaziabad was presented before the Ghaziabad Development Authority in the year 2017.

5. That due to the land use of the site in question being industrial letter no.18/plan/2017 dated 13.02.2017 and letter no. 225/development department UP Government M. Durga Enterprises Pvt. Ltd A letter was sent for no objection on the layout plan for industrial purpose submitted by the Joint Secretary. Industrial Development Section 3 by letter no-270/77-3-1-918B/81 made its report available from 08.02.2019. The following is mentioned in the report of the said Industrial Development Section.
6. That M/s Durga Enterprises Pvt Lt. preferred Writ Petition No.24342/1991 in the Hon'ble High Court of Judicature at Allahabad M/s Durga Enterprises Pvt. Ltd. vs UP Government and Others. The main part of the order dated 15.03.2011 passed by the High Court is as follows:

"....For the reasons recorded above, the writ petition is allowed. The impugned orders dated 21.10.1989 and 20.12.1990 are quashed. The respondents are directed not to interfere with the possession of the petitioners and allow the petitioners to use and occupy the premises in question and if the petitioners require the change in the nature of user then it shall be done only for the public purpose contained under clause (f) of section 3 of the Land



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Acquisition Act. In the result, the writ petition is allowed with costs."

7. That the Government of UP against the above order dated 15.03.11 of the High Court preferred Special Leave Petition no 8275/2012 titled as Principal Secretary, Government of U.P & Others v. M/s Durga Enterprises Pvt. Ltd and Others. It was dismissed by the Supreme Court vide order dated 31.03.14.
8. It is clear from Hon'ble High Court order dated 15.03.2011 and Hon'ble Supreme Court order dated 31.03.2014 that there is no dispute in possession and ownership of Durga Enterprises Pvt. Ltd. Sahibabad, Ghaziabad. It is obligatory to comply with the orders given by the Hon'ble Court.
9. In this regard it was stated that there is no objection to the Industrial Development Department for the development of Industrial Park and the Ghaziabad Development Authority may take steps to approve the industrial park Layout Plan on the said plot by taking the prescribed fees as per building bye-laws. The land created in the industrial park will be transferred for industrial use only.
10. According to the above letter dated 08.02.2019 of Industrial Development Section-3, action has been taken by the Ghaziabad Development Authority to approve the layout plan of the said plot by taking the prescribed fees as per building bye-laws.
11. U.P. Pollution control Board in its letter no. 11832/UPCTB/Ghaziabad (Lab) TPE/ Ghaziabad/2021 dated 24.03.2021 and letter 135540 UPCTB/ Ghaziabad (UPTBRO)/

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CTE/Ghaziabad/2021 dated 22.12.2021 rejected the application of Durga Enterprises Pvt. Ltd. Again, the conditional arrival has been given vide its letter no 156044 UPPCCB/UPPCBRO CTE/Ghaziabad/ 2022 dated 01.06.2022.

Parawise reply:

1. The Contents of the para are based on record and not related to Authority.
2. The contents of this para are denied except the ones which are matter of record. The map has been sanctioned under various sections of Uttar Pradesh Urban Planning and Development Act 1973.
3. The contents of this para are not related to the Authority.
4. The contents of para 4 and 5 are denied except the ones which are matter of record. UP Pollution Control Board vide letter.dated 11832 UPCTB/GABAD(LAB) TPE/GABAD/2021 dated 24.03.2021 and Letter No.135540 UPCTB/GABAD (UPTBRO)/CTE/GABAD/2021 dated 22.12.2021 rejected the application. Thereafter UPPCB vide letter no.156044 UPPCB/GABAD (UPTBRO)CTE/GABAD/22022 Dated 01.06.2022 approved conditionally.
5. That the contents para 6 are denied except the ones which are based on records. Contents are not related to the Authority.
6. That the contents para 7 and 8 are denied except the ones which are based on records. Contents are not related to the Authority.
7. That the contents of para 9 and 10 are denied except the ones which are based on record.


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8. That the contents of para 11 and 12 are replied similarly to that of Para 4.
9. That the contents para 13-15 denied except the ones which are based on records. Contents are not related to the Authority.
10. That the contents of para 16 are replied similarly to that of Para 4.
11. That the contents of para 17 are denied except the ones which are based on record.

New Delhi
Filed On: 07.09.2022

Filed by



(Shashank Singh)
Advocate for
Respondents No.6
Enr:-D-390/2010
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..... RESPONDENTS

NOTARY *NOTARY* **AFFIDAVIT** *NOTARY*
I, Rajeev Ratan Shah S/o Late Chhotay Lal aged about 60 years, presently working as Town planner of the answering Respondent; do hereby solemnly affirm and state as under:

1. That I am _____ of the Respondent No. 6 and being fully conversant with the facts and circumstances of the case, I am competent to swear this affidavit.
2. I say that the contents of the accompanying Reply are true to the best of my knowledge and belief.

That the annexures filed are true/ photocopies of their respective originals.

DEPONENT

VERIFICATION:

राजीव रतन शाह
नगर नियोजक

Verified at New Delhi on this the 7th day of September, 2022 that the contents of my above affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

DEPONENT



16 07 SEP 2022
Affidavit of
Sri/Smt. R. R. Shah
S/o Late Chhotay Lal
R/o C.D.A. G2B N.B. Singh
Identified by Through [Signature]

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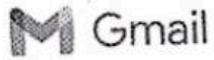
07.9.2022
PRAMOD KUMAR
ADVOCATE NOTARY
Ghaziabad (U.P.) India

Proof of Service

7

07/09/2022, 20:18

Gmail - Proof of Service



Manoj Kumar <manojkumarsai1989@gmail.com>

Proof of Service

2 messages

Wed, Sep 7, 2022 at 8:16 PM

Manoj Kumar <manojkumarsai1989@gmail.com>
To: ediordelhinnews@gmail.com, rocz.lko-mef@nic.in, doeuplko@yahoo.com, "ms@uppcb.in" <ms@uppcb.in>, mscb.cpcb@nic.in, dmgha@nic.in, "gzb.nagar.nigam@gmail.com" <gzb.nagar.nigam@gmail.com>

Sir
In the Matter of:-
Prasoon Pant and Anr
Vs
Ministry of Environment Forest and
Climate Change and other
OA-265/2022
Shashank Singh Advocate
for (GDA)
M-9999993026
Email:-shashankmsd@gmail.com

 Reply Prasoon Pant.pdf
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