

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 123 OF 2024

IN THE MATTER OF:

Sudesh Kumar

...Applicant

versus

State of Haryana & Ors.

...Respondent(s)

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FILED BY



SAURABH RAJPAL

(ADVOCATE FOR THE RESPONDENT NO.8)

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NEW DELHI-110024

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PLACE – NEW DELHI

DATE - 03.05.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 123 OF 2024**

IN THE MATTER OF:

Sudesh Kumar

...Applicant

versus

State of Haryana & Ors.

...Respondent(s)

**REPLY ON BEHALF OF ANSWERING RESPONDENT NO.8/ MS.
DAKSH CONSTRUCTION(BRA9GH)**

MOST RESPECTFULLY SHOWETH:

1. That the above captioned matter is filed by the present Applicant namely Sudesh Kumar raised the following grievances:
 - i. Municipal Corporation, Faridabad along with the Project Proponent - Respondent No. 8 (*hereinafter to be referred as the “answering Respondent”*) has cut down around 500 protected trees at the land bearing Khewat No. 2214, Khatauni No. 3425 and Khewat No. 2215/1964, Khatauni No. 3425 situated at Village Pratapgarh, Mauja Gaunchi, Faridabad, Haryana (*“hereinafter to be referred as the “said Land”*) which belongs to the Forest Department and Health Department.
 - ii. That the said land has not been transferred to the Municipal Corporation, Faridabad.
 - iii. That the land is being used for construction of landfill site.
2. That this Hon’ble Tribunal *vide* order dated 05.02.2024 was pleased to issue the notice in the captioned matter and constituted a Joint

Committee comprising of representative of Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, State Pollution Control Board (SPCB), Regional Officer, Ministry of Environment, Forests and Climate Change (MoEF&CC) and District Magistrate, Faridabad to carry out the site inspection, ascertain the correct position relating to nature of land from the revenue record and also ascertain truthfulness of the allegations made in the OA and file factual and action taken report. The District Magistrate, Faridabad will act as nodal agency for coordination and compliance.

3. That the Joint Committee, in compliance of the order dated 05.02.2024 passed in the captioned matter, inspected the site and submitted its report dated 29.03.2024 before this Hon'ble Tribunal. That the relevant observations of the Joint Committee are as follows:
 - A. The land bearing Khewat No. 2214, Khatauni No. 3425 and Khewat No. 221511964, Khatauni No' 3425 situated at Village Pratapgarh is a parcel of land which is under possession with Municipal Corporation Faridabad vide transfer order no.972 dated 05.02.2018. The total land area is 50 acres and had 50 MLD Sewage Treatment Plant at the time of transfer.
 - B. Municipal Corporation Faridabad has prepared the site for decentralized waste processing system for 300 MT/ day comprising of Composting and RDF Facility without landfill site, in compliance of NGT order dated 30-01-2023 in the matter of Poonam Yadav Vs Eco Green Energy Pvt. Ltd.
 - C. Deputy Conservator of Forest, Faridabad the locations identified as Kila no. 114/14/2, 115/13/2, 18' and 117/2/3/8 have been

identified as Forest Land and cutting of 180 trees is also confirmed.

D. No development or construction has been done on the forest land but cutting of trees has been reported. A fine of Rs.46640/- has been imposed on MCF and Daksh constructions for the said violations.

4. It is submitted that Municipal Corporation Faridabad, Haryana issued a work contract dated 10.06.2023 bearing Memo No. HEWP/AL-19322 to Respondent No.8/ Ms. Daksh Construction (BRA9GH) for supply and laying of Granular Sub-Base, Good Earth and HDPE Liner for developing of SWP fresh water treatment facility at Pratapgarh village land under Solid Waste Management (SWM) and Swachh Bharat Mission.

A copy of the work contract dated 10.06.2023 bearing Memo No. HEWP/AL-19322 issued to Respondent No.8/ Ms. Daksh Construction (BRA9GH) is annexed herewith and marked as **ANNEXURE R-1**.

5. It is submitted that Respondent No.8/ Ms. Daksh Construction (BRA9GH) supplied and laid the Granular Sub-Base and HDPE Liner as per the work contract. It is further submitted that Respondent No.8/ Ms. Daksh Construction (BRA9GH) worked as per the instruction and direction of the Municipal Corporation Faridabad and has not cut down any tree.

Copies of the Photograph depicting the laying the Granular Sub-Base and HDPE Liner is annexed herewith and marked as **ANNEXURE R-2 (COLLY)**.

6. It is submitted that Respondent No.8/ Ms. Daksh Construction (BRA9GH) has no relation with respect to ownership, possession of land in question and felling of trees. The felling of trees and penalty imposed for the same has been confirmed by the Joint Committee hence it may be dealt with in accordance with law or as this Hon'ble Tribunal deems fit.
7. That considering the fact and circumstances of the case para-wise reply to the Original Application is not required.
8. That, in view of the above facts and circumstances of the case and the answering Respondent has a good case on merits and the Original Applicant has made bald allegation qua the private respondent without any proofs/evidence to substantiate its allegation hence, the present answering Respondent may be deleted from arrays of parties.
9. That the supporting Affidavit is being filed along with this Reply.

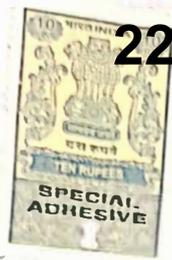
FILED BY

THROUGH



SAURABH RAJPAL
(ADVOCATE FOR THE RESPONDENT NO.8)
OFFICE:-D-206, 2ND FLOOR,
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MOB: -9971792885
E-MAIL: -advocatesaurabhrajpal@gmail.com

PLACE – NEW DELHI
DATE - 03.05.2025



BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI
ORIGINAL APPLICATION NO. 123 /2024

IN THE MATTER OF:
SUDESH KUMAR

...APPLICANT

VERSUS

STATE OF HARYANA & ORS

...RESPONDENTS

AFFIDAVIT

I, Sh. Gajender Kumar, S/o Sh. Mahender, Aged About 41 Years,
R/o. :- House NO. 464, Sant Nagar, Sector- 20, Faridabad –
121002 (Haryana), do hereby solemnly affirm and declare as
under:

1. That I am the Authorized Representative of M/s DAKSHA
CONSTRUCTION Respondent No. 8, in the instant OA and I
am well conversant with the facts and circumstances of the
case and thus competent to swear this affidavit.



2. That the accompanying reply have been drafted under my
instructions, which I have read and understood. I further
state that the averments made therein are true and correct to
my knowledge and belief.

That the Annexures filed along with the reply are true copy of
their respective originals.

DEPONENT

VERIFICATION

Verified at Faridabad, on this 3rd day of May 2025
that the contents of my aforesaid affidavit are true and
correct to my knowledge and belief. No part of it is false nor
anything material has been concealed therefrom.

IDENTIFIED THE DEPONENT
Executors: He / Her / Their
Signature / Thumbs / Impression

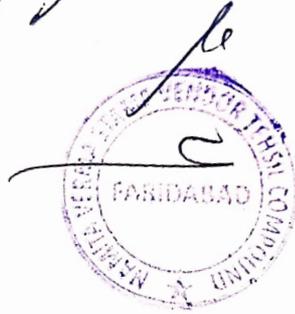
ATTESTED AS IDENTIFIED
Notary Faridabad (Haryana)

DEPONENT

03 MAY 2025

4032
3/5/2025

General Ledger
to D. Mohandas





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ANNEXURE R-1⁷

Municipal Corporation Faridabad[Municipal Corporation
Faridabad]
Municipal Corporation/Urban Local Bodies, Haryana



Issue of Notice to proceed with the work

To

M/s DAKSHA CONSTRUCTION [BRA9GH]
H NO. 464, SANT NAGAR, SEC 20, FARIDABAD, 121002
E-mail- dakshaconstruction@hotmail.com
Contact No.- 7838094554

Memo No. HEWP/AL-19322

Dated : 10/06/2023

Subject :- Estimate for supply and laying of Granular Sub-Base, Good earth and HDPE Liner for developing of SWM fresh waste treatment facility at Partapgarh village land under Solid Waste Management (SWM) and Swachh Bharat Missions. **Chargeable to** "Estimate for supply and laying of Granular Sub-Base, Good earth and HDPE Liner for developing of SWM fresh waste treatment facility at Partapgarh village land under Solid Waste Management (SWM) and Swachh Bharat Missions." (Tender id- 2023_HRY_274410_1).

Allotment No. - ULB/FY2023-24/011122
Agreement Amount (Rs.) - 86,63,640 /-
Date of Start - 11/06/2023
Date of Completion - 14/10/2023

Dear Sir,

Pursuant to your furnishing the requisite Performance Security as stipulated in ITB Clause 34 and signing of the Contract for the work of Estimate for supply and laying of Granular Sub-Base, Good earth and HDPE Liner for developing of SWM fresh waste treatment facility at Partapgarh village land under Solid Waste Management (SWM) and Swachh Bharat Missions. Chargeable to "Estimate for supply and laying of Granular Sub-Base, Good earth and HDPE Liner for developing of SWM fresh waste treatment facility at Partapgarh village land under Solid Waste Management (SWM) and Swachh Bharat Missions." at a bid price of Rs. 86,63,640/-.

You are hereby instructed to proceed with the execution of the said works in accordance with the contract documents.

Padam Bhushan
Executive Engineer
Municipal Corporation Faridabad[Municipal
Corporation Faridabad]
Municipal Corporation/Urban Local Bodies,Haryana

Disclaimer - Sufficient efforts have been made to make the online calculations accurately. But, calculations are required to be cross checked by each user at each level. Dealing officials will be responsible for checking the accuracy of all Calculation in the estimate in all respect.

ANNEXURE R-2 (COLLY)

















Advance Service in Reply OA No. 123 of 2024

1 message

Saurabh <saurabhrajpal.sc.aor@gmail.com>

Sat, May 3, 2025 at 5:36 PM

To: gauravjain1824@gmail.com

Cc: rkhuranalegal@gmail.com

Respected Sir,

Kindly find attached herewith the Advance Service of reply in Sudesh Kumar Vs. State of Haryana & ORS. O.A No. 123 of 2024

Thanks & Regards

Saurabh Rajpal

Adv. Respondent No. 8

**Sudesh Reply copy.pdf**

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