

**IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 323 OF 2023**

IN THE MATTER OF:

PREM SHANKAR SINGH & ORS.

...Applicant

VERSUS

STATE OF U.P.

...Respondent

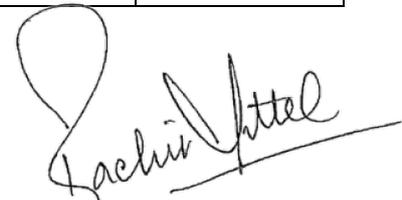
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NEW DELHI

DATE

FILED BY



(RACHIT MITTAL)

Advocate for Resident Welfare Association,
Ganapathy Classic Resident Welfare Society
MZ- 24 & 25, Ansal Fortune Arcade,
Sector 18, Noida, U.P. – 201 301
Contact No.: 0120- 4998794
EMAIL: rachit@rmlawchambers.in

Before the National Green Tribunal,
Principal Bench, New Delhi
Original Application No. 323/2023

Prem Shanker Singh & Ors.

... Applicant

versus

State of UP

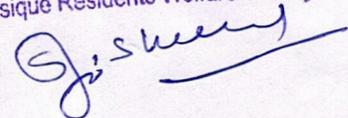
... Respondent

Response on behalf of Resident
Welfare Association, Ganapathy,
classic resident welfare Society.

Preliminary submission:

1. It is most respectfully submitted that the Resident Welfare Association, Ganapati Classic Resident Welfare Society, acting through its secretary is filing this short reply and craves leave of this Honourable Tribunal to file an additional reply or a detailed reply as and when required or as and when directed by this Honourable Tribunal.
2. It is most humbly submitted that the present case has been filed by one of the flat buyer to settle his score with the builder. It is submitted that the petitioner has sold his flat and is no more the occupant Of the flat in the society and is not a member of the resident welfare Association.

Shankresh Sharma
President
Ganpati Classique Residents Welfare Society

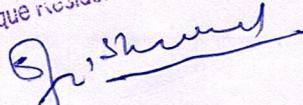


3. It is most humbly submitted that the construction of the society was completed in the year 2014 and flat buyers have been occupying the flats peacefully since then. The sale deeds have been executed in favour of the purchasers, who are also the members of the resident welfare Association.
4. It is submitted that the sewage treatment plant has been installed in the society and the same is functional. The STP and other maintenance facilities were being maintained by the developer till march 2023 and thereafter the same has been handed over to the RWA.
5. The resident welfare Association took some time to gain expertise and understanding to manage the affairs and maintain the society.
6. The RWA has taken full control of the facilities including the STP and the same are being operational since then. The RWA has engaged requisite number of workers for running the STP and the same is The RWA has engaged requisite number of workers for running the STP and the same is being maintained now on periodic basis.
7. It is submitted that no untreated sewage is being discharged into the drain by the society. In fact, there is no discharge by the society directly into the drain. The entire sewage first gets treated into the STP of the society and then the same is discharged in the main trunk line which is further connected with the STP of the municipal corporation.

Shankresh Sharma
President
Ganpati Classique Residents Welfare Society

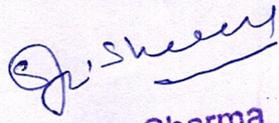
Shankresh Sharma

8. The municipal waste is collected from door to door of every resident. The RWA has encouraged the residents to segregate the solid, municipal waste. The dry waste and the wet waste is further collected by the municipal corporation for effective disposal.
9. It is submitted that after the onset of this case, the society had sent waste water sample for clinical analysis. The STP inlet sample and the STP outlet sample were sent separately. The test results The test results dated 8.02.2024 have indicated that the SDP is functioning effectively treating the discharge so as to bring it within the specified guidelines as per CPCB. Copy of the test report dated 8.02.2024 is marked and annexed as **Annexure A1**.
10. The society has maintained proper horticulture and greenery in the open areas. Copies of the photographs depicting the greenery in the project is marked and annexed as annexed as **Annexure A2**.
11. It is most respectfully submitted that the RWA will comply as his duty bound with any further direction passed by the authorities in this honourable tribunal as it deems fit for the protection of the environment.
12. In the light of the facts and circumstances enumerated herein above, it is most humbly prayed that the RWA be exonerated and the proceedings against the same be dropped.

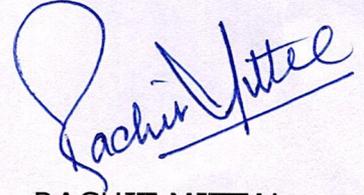
Shankresh Sharma
President
Ganpati Classique Residents Welfare Society


Resident Welfare Association,
Ganapati Classic Resident Welfare
Society, through its secretary

THROUGH



Shankresh Sharma
President
Ganpati Classique Residents Welfare Society



RACHIT MITTAL

Advocate

Before the National Green Tribunal,

Principal Bench, New Delhi

Original Application No. 323/2023

Prem Shanker Singh & Ors.

... Applicant

versus

State of UP

... Respondent

AFFIDAVIT

I, Sankresh Sharma, s/o *Shri S.C. Sharma*

R/o Flat no. *E-102*

Ganpati Classique Apartment, Agra do hereby solemnly resolve and depose as under:

1. I am the President elect and the Authorized Representative of Respondent / Non applicant/ Noticee in the above-mentioned matter and being aware of the facts of the instant case, I am competent to affirm the instant affidavit.

2. I state that the accompanying reply has been drafted under my instructions and the facts mentioned therein are true and correct to the best of my knowledge and belief. Nothing material has been concealed.

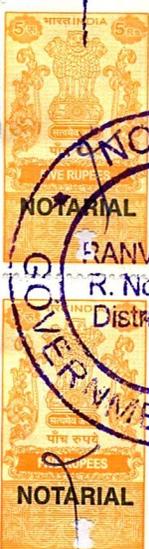
3. The annexures are true copies of its Originals.

DEPONENT

Shankresh Sharma

Shankresh Sharma
President

Ganpati Classique Residents Welfare Society



C-37/24
06/04/24

VERIFICATION

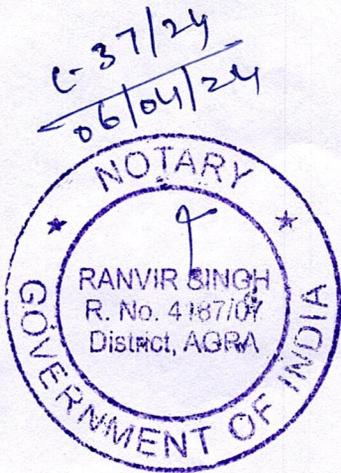
I, the deponent hereinabove, do hereby verify and affirm that the contents of paragraphs 1 to 3 of this affidavit are true and correct to my knowledge and belief and no material facts have been concealed there from.

Verified at Agra on 06th day of April 2024.

4.

[Signature]
DEPONENT

Shankresh Sharma
President
Ganpati Classique Residents Welfare Society



No... 37
Expla... to Shri... Shankresh Sharma
The deponent who solemnly affirms
On Oath on.. 06.20.24 at... AM/PM
Identified by Shri... Prabhanshu Agarwal (Adv)
[Signature]
06/04/24

Prabhanshu Agarwal
Regd. no. 3404, 1st Advocate
Civil Court, Agra

[Signature]
06/04/2024



FAST LABS 58

FOOD ANALYSIS AND SAMPLE TESTING LABORATORIES

FOOD, WATER AND ENVIRONMENT TESTING, RESEARCH & DEVELOPMENT AND TRAINING SERVICES

FAST LABS 7

(A Unit of FOODTECH CONSULTS INDIA PVT. LTD.)
A-5, Ganga Vihar Colony, Dhandhupura Road
Agra-282006, Uttar Pradesh, INDIA
Phone : +91-9997727333, 9997969733
Email : foodtechconsults@gmail.com

TEST REPORT

Waste Water Sample Analysis

Issued to :
M/S. GANPATI CLASSIQUE
UPSIDC Road, Industrial Area
Sikandra, Dist. Agra - 282007
Uttar Pradesh, India.

Report No. : FL/W2024020301
ULR Code : TC1159924000000066F
Report Issue Date : 08/02/2024

Information Provided by Laboratory

Nature/Name of the Sample : Waste Water
Sample Location : STP Inlet
Sample Drawn on : 03/02/2024
Sampling Done by : Sample Provided by Client
Sample Quantity & Packaging : 2.0 Litre Pet Bottle
Sample Received on : 03/02/2024
Duration of Performance of Test : 03/02/2024 to 08/02/2024
Environmental Conditions (Temp. & RH) : 23.1°C & 36%
Remark (if any) : NA

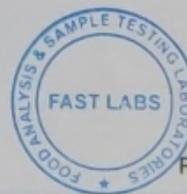


TEST RESULTS

S. No.	Parameters	Unit	Results	Test Methods
Physical Analysis				
1	pH	-	8.40	IS 3025 (Part-11) : 2022
2	Total Dissolved Solids (TDS)	mg/L	1530.0	IS 3025 (Part-16) : 1984
3	Total Suspended Solids (TSS)	mg/L	210.0	IS 3025 (Part-17) : 2022
Chemical Analysis				
4	Oil & Grease (O&G)	mg/L	8.10	IS 3025 (Part-39) : 2021
5	Biological Oxygen Demand (BOD at 27°C for 3 Days)	mg/L	93.0	IS 3025 (Part-44) : 1993
6	Chemical Oxygen Demand (COD)	mg/L	510.0	IS 3025 (Part-58) : 2006

End of Report

TRUE COPY



Authorized Signatory

Ruchi Sharma, Technical Manager

Verified By

Terms & Conditions:

1. The result (s) listed in the report refer only to the item(s) tested and it's Parameters(s). 2. Endorsement of products is neither inferred not implied. 3. Sample will be disposed after 15 days from the date of issue of test report unless otherwise specified. 4. This Test report is not to be reproduced wholly or in part and cannot be used as evidence in the Court of law and should not be used in any advertising media without our special permission in writing. 5. Total liability of our Lab is limited to the invoiced value. 6. All disputes are subject to AGRA jurisdiction only.



FAST LABS 59

FOOD ANALYSIS AND SAMPLE TESTING LABORATORIES

FOOD, WATER AND ENVIRONMENT TESTING, RESEARCH & DEVELOPMENT AND TRAINING SERVICES

FAST LABS 8

(A Unit of FOODTECH CONSULTS INDIA PVT. LTD.)
A-5, Ganga Vihar Colony, Dhandhupura Road
Agra-282006, Uttar Pradesh, INDIA
Phone : +91-9997727333, 9997969733
Email : foodtechconsults@gmail.com

TEST REPORT

Waste Water Sample Analysis

Issued to :
M/S. GANPATI CLASSIQUE
UPSIDC Road, Industrial Area
Sikandra, Dist. Agra - 282007
Uttar Pradesh, India.

Report No. : FL/W2024020302
ULR Code : TC1159924000000067F
Report Issue Date : 08/02/2024

Information Provided by Laboratory

Nature/Name of the Sample : **Waste Water**
Sample Location : STP Outlet
Sample Drawn on : 03/02/2024
Sampling Done by : Sample Provided by Client
Sample Quantity & Packaging : 2.0 Litre Pet Bottle
Sample Received on : 03/02/2024
Duration of Performance of Test : 03/02/2024 to 08/02/2024
Environmental Conditions (Temp. & RH) : 23.1°C & 36%
Remark (if any) : NA



TEST RESULTS

S. No.	Parameters	Test Methods	Results	Unit	Specification as per CPCB* Guidelines (For Inland Surface Water)
Physical Analysis					
1	pH	IS 3025 (Part-11) : 2022	7.80	-	6.5 - 8.5
2	Total Dissolved Solids (TDS)	IS 3025 (Part-16) : 1984	1512.0	mg/L	-
3	Total Suspended Solids (TSS)	IS 3025 (Part-17) : 2022	84.0	mg/L	100 Max.
Chemical Analysis					
4	Oil & Grease (O&G)	IS 3025 (Part-39) : 2021	5.40	mg/L	10 Max.
5	Biological Oxygen Demand (BOD at 27°C for 3 Days)	IS 3025 (Part-44) : 1993	27.0	mg/L	30 Max.
6	Chemical Oxygen Demand (COD)	IS 3025 (Part-58) : 2006	150.0	mg/L	250 Max.

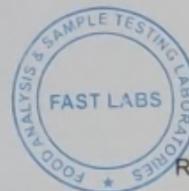
*CPCB : Central Pollution Control Board

Inference : The tested sample of waste water conforms to CPCB guidelines (For Inland Surface Water) with respect to above tested parameters only.

End of Report

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Verified By



Authorized Signatory
Ruchi Sharma, Technical Manager

Terms & Conditions:

1. The result (s) listed in the report refer only to the item(s) tested and it's Parameters(s). 2. Endorsement of products is neither inferred nor implied. 3. Sample will be disposed after 15 days from the date of issue of test report unless otherwise specified. 4. This Test report is not to be reproduced wholly or in part and cannot be used as evidence in the Court of law and should not be used in any advertising media without our special permission in writing. 5. Total liability of our Lab is limited to the invoiced value. 6. All disputes are subject to AGRA jurisdiction only.

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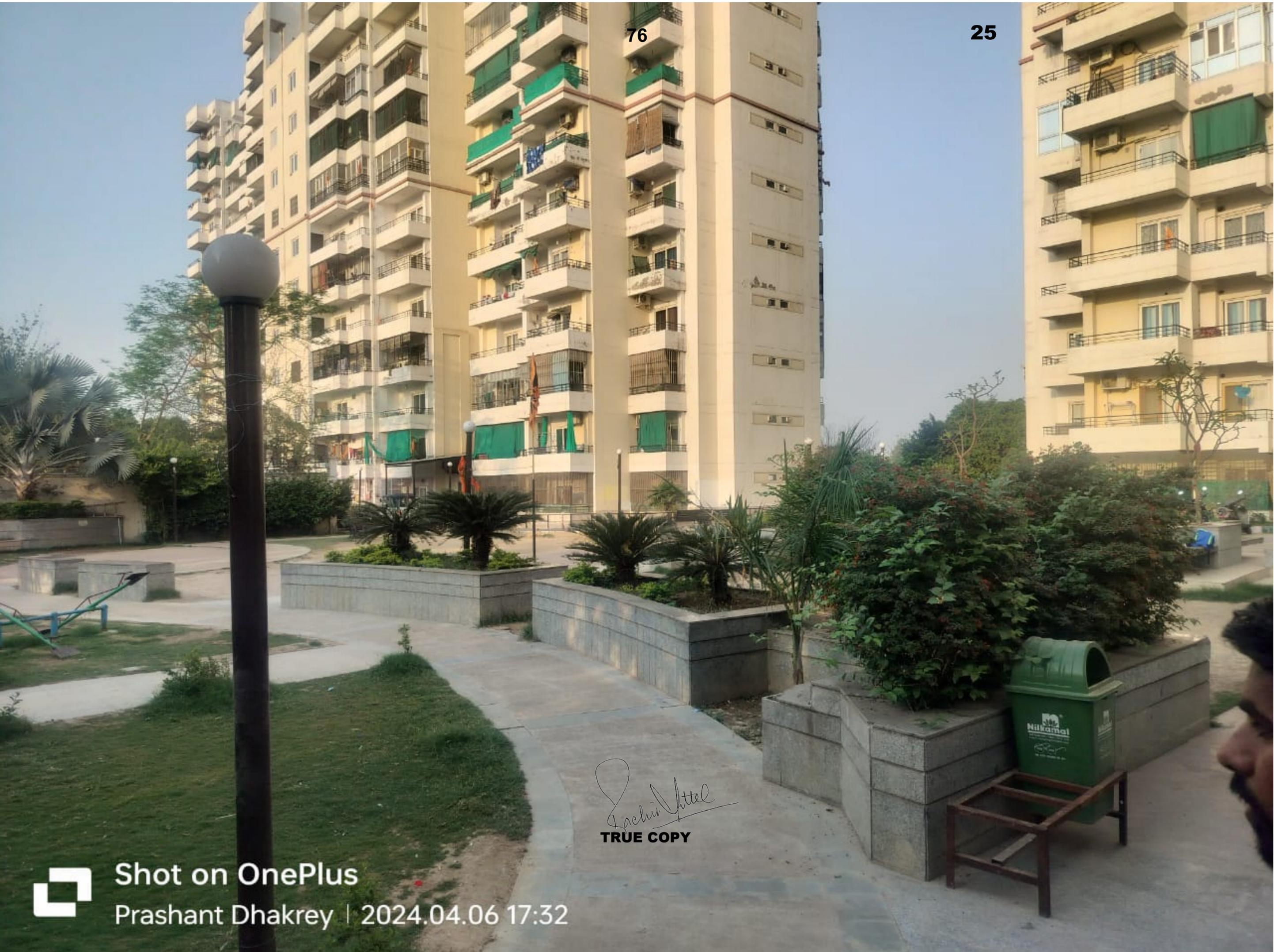
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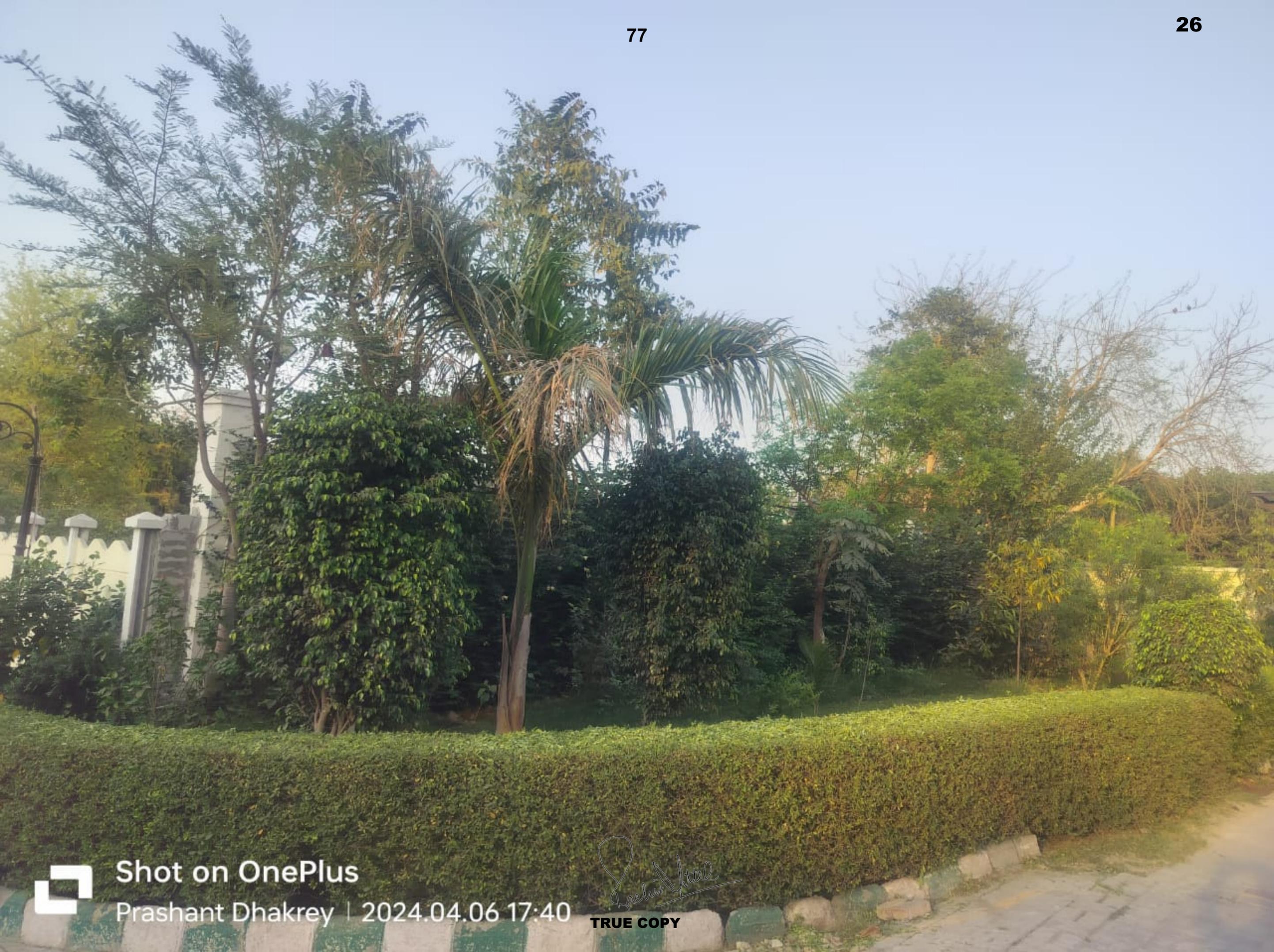


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Before the National Green Tribunal,
Principal Bench, New Delhi
Original Application No. 323/2023



Prem Shanker Singh & Ors. ... Applicant
versus

State of UP ... Respondent

KNOW All to whom these presents shall come that I/ We, **RWA, Ganpati Classic Resident Welfare Society**, do hereby appoint,
the above named **Respondent-**

RACHIT MITTAL
ADVOCATE

[D]10/4/2011

MZ-24 & 25, ANSAL FORTUNE ARCADE, SECTOR-18, NOIDA-201301,
UTTAR PRADESH

Mob: 9873997047

Email :- rachit@rmlawchambers.in

to be my/our Advocate in the above noted case and authorize him : - To act, appear and plead in the above noted case in this Court or in any other Court in which the same be tried or heard and also in the appellate Courts.

To sign, file, verify and present pleadings, replications, appeals, 'cross-objections' or petitions for executions, review, revisions, restoration, withdrawal, compromise or other petitions, replies, objections 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 withdraw or compromise the case or submit to arbitration any differences or disputes that may arise, touching or in any manner relating to the said case. To deposit, draw and receive moneys, cheques and grant receipts therefore and to do other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said case. To appoint instruct any other legal practitioner authorizing him to exercise the power and authorities hereby conferred upon the Advocates whenever he may think fit to do so and sign, the power of attorney on my/our behalf.

And I/we, the undersigned, do hereby agree to ratify and confirm all acts done by the Advocates or their substitutes in the matter as my/our own acts, as if done by me/us to all contents and purposes. And I/we, undertake that I/we or my/our duly authorized agent would appear in court on all hearings and will inform the Advocates for appearance when the case is called. And I/we, the undersigned, do hereby agree not to hold the Advocates or their substitute responsible to the result of the said case in consequence of his absence from the court when the said case is called up for hearing of any negligence of the said advocates or his substitute.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents, the contents of which have been understood by me/us this the 6th April 2024

Rachit Mittal

Client

Shankar Sharma

Shankar Sharma
President
Ganpati Classic Residents Welfare Society

