

HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI
ORIGINAL APPLICATION NO. 287 OF 2022

IN THE MATTER OF:-

Amit Kishore & Ors.

....Petitioners

Versus

State of U.P. & Ors.

....Respondents

**REPLY OF THE GHAZIABAD NAGAR NIGAM ON THE APPLICATION
OF THE PETITIONER FROM CROSS EXAMINATION OF OFFICERS OF
THE RESPONDENTS**

MOST RESPECTFULLY SHOWETH:-

1. That the present matter is pending before this Hon'ble Court and is next listed on 27.09.2023.
2. That the petitioner in the I.A. has filed the application for cross- examination of Shri Mahendra Singh Tanwar, S/o Om Prakash Singh Tanwar (*the then Municipal Commissioner, Ghaziabad*), presently posted as District Magistrate- Distt. Sant Kabir Nagar and Dr. Nitin Gaur (*the then Municipal Commissioner, Ghaziabad*) presently posted as Vice- Chairman, Hapur Development Authority.
3. That the petitioner has not made out any ground as to why the cross-examination of above two former officers posted at the Ghaziabad Nagar Nigam are required to be summoned by this Hon'ble Tribunal, especially considering the facts that the matter is now listed for final arguments and all the materials on the record/reports as desired by this Hon'ble Tribunal in the requisite format has already been placed before this Hon'ble Tribunal for kind perusal.

4. That the petitioner has attempted to mislead this Hon'ble Tribunal in para 10 of the application where the petitioner attempts to misinterpret the maps furnished by the Ghaziabad Nagar Nigam and also submitted by the Uttar Pradesh Awas & Vikas Parishad and is attempting to make the O.A advertorial litigation between the parties just to settle personal in course.
5. That Section 19 of the NGT Act, provides this Hon'ble Tribunal the powers of the Civil Court under CPC for:
 - i) For summoning and enforcing the attendance of any person and examining him on oath;
 - ii) Requiring the discovery and production of the documents;
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 - iii) issuing commission for examination of the witness or documents;...etc.
6. That all the powers vested under Section 19 of the NGT Act pertains to the power of this Hon'ble Tribunal only and it does not in any way give power to the applicant for the cross-examination of the Respondent Officers by the Complainant.
7. That it is the establish civil jurisprudence that before the petitioner gets to cross-examine the officers of the opposite parties/defendants, the petitioner himself will have to lead his evidence and tender their evidence. After the examination in chief and cross examination of the plaintiffs/petitioner is over then only the defence evidence starts and thereafter only the cross examination can be effected, the procedure of which is not contained in the Act of 2010.

8. That the application of the petitioner is arbitrary, illconceived and is unknown to either civil or criminal jurisprudence. The application of the petitioner also lacks equity and is thus liable to be rejected at the outset with cost.

P R A Y E R

It is therefore most respectfully prayed that this Hon'ble Tribunal may be graciously be pleased to:

- A) Dismiss the application of the petitioner seeking cross examination of the officers of the Respondent No.2/ Ghaziabad Nagar Nigam with special cost; and
- B) Pass any other order that this Hon'ble Court may deem fit in the interest of justice;

AND FOR THIS THE RESPONDENT AS IN DUTY BOUND SHALL EVER PRAY.

GHAZIABAD NAGAR NIGAM

THROUGH

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