

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 492 OF 2022

IN THE MATTER OF:

GREEN WOOD CITY VILLA JAN WELFARE  
SOCIETY & ANOTHER

...APPLICANT(S)

VERSUS

GODWIN CONSTRUCTION COMPANY  
PRIVATE LIMITED & OTHERS

...RESPONDENT(S)

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486

MEERUT

DATED: 08/08/2024 THROUGH

RESPONDENT NO. 8

  
CHHABRA LEGAL ADVISERS  
PIYUSH CHHABRA  
AT: PLOT NO. 13, SECOND FLOOR,  
ISKON TEMPLE ROAD, POCKET-01,  
SECTOR-13, DWARKA, NEW DELHI-110078,  
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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**REPLY BY WAY OF COUNTER AFFIDAVIT FILED ON  
BEHALF OF THE RESPONDENT NO. 8, N.H.A.I./PIU-MEERUT,  
IN TERMS OF THE ORDER DATED 26.07.2024 OF THE  
HON'BLE NGT IN THE ABOVE-NOTED ORIGINAL  
APPLICATION**

I, Raj Kumar Nagarwal S/oHari Singh Nagarwal, Project Director, PIU Meerut, having office at: A-1, VaishnoDham, Near Gayatri Heights, Kankerghera, NH-58, Meerut- 250001, aged about 36 years, do hereby solemnly state and affirm as under:



That I am working as the Project Director, PIU Meerut N.H.A.I., being impleaded by the Hon'ble Tribunal as the Respondent No. 8 in the present case vide its order dated 23.11.2023, and as such in my official capacity, I am well conversant with the facts and circumstances of the present case having gone through the contents

  
Project Director  
National Highways Authority of India  
P.I.U.-Meerut

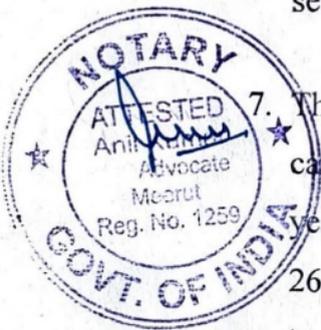
of the relevant order(s) and material on record as available and therefore competent to swear and file the instant affidavit.

2. That the present reply by way of counter affidavit is being filed in compliance of the order dated 26.07.2024 whereby the Hon'ble Tribunal sought response from the Respondent No. 8 in respect of its liability to pay environmental compensation in terms of 'polluter pays' principle qua thenon discharge of its obligation to repair the sewer line which was allegedly damaged during construction of highway.
3. That at the outset, it is denied by the answering Respondent that any damage has been caused to the concerned sewer line by any act(s) of the answering Respondent herein and thus any liability to pay the environmental compensation is not made out against the answering Respondent.
4. That vide order dated 23.11.2023, the Hon'ble Tribunal was pleased to implead the answering Respondent as the Respondent No. 8 in the present case to furnish the requisite NOC to the Respondent No. 2 herein, Meerut Development Authority (hereinafter referred to as the MDA) to execute the work pertaining to the sewer line concerned which was allegedly damaged in the course of development of NH-58 upon such submissions by the MDA.
5. That in this regard it is being stated that the bare perusal of the contents of para no. 6 (c) of the Action Taken Report filed by the



MDA appearing on page no. 236 of the paper book, reflects that it was merely *"informed by the residents"* that the sewer line got damaged due to expansion of the NH 58 and construction of flyover and no cogent proof whatsoever has been placed on record by the MDA in this regard. That no liability may be attached to the answering Respondent merely on the basis of vague and unsubstantiated averments as referred hereinabove.

6. That further, the entire correspondence between the MDA and the answering Respondent herein in relation to NOC for execution of work pertaining to concerned sewer line is a matter of record and no part of such correspondence from the MDA alleges that the sewer pipeline got damaged owing to the act(s) of the answering Respondent. It is clarified hereby that the answering Respondent herein furnished the requisite NOC to the MDA in terms of the order dated 23.11.2023 of the Hon'ble Tribunal for the purpose of the laying of the proposed sewer line as the same was falling within the ROW of the answering Respondent without admitting to the averment or allegation in respect of causation of damage of the sewer line.

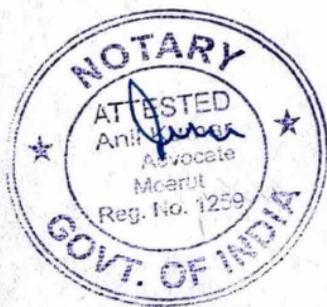


7. That the widening work of the NH-58 in the concerned area was carried out by/at the behest of answering Respondent back in the year 2010. In view of the order(s) dated 23.11.2023 and 26.07.2024, the answering Respondent sought response pertaining to the alleged damage of sewer line, from M/s Western UP Tollway Private Limited, the contractor/concessionaire company which undertook the construction work of NH-58 in 2010.

  
Project Director  
National Highways Authority of India  
P.I.U.-Meerut

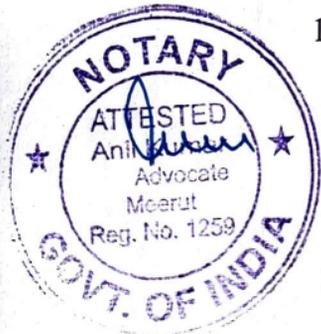
8. That M/s Western UP Tollway Private Limited vide its letter dated 05.08.2024 bearing reference no. WUPTL/20240805/NHAI/2024/2150 informed that the concerned sewer line existed 200 meters away from NH-58 and therefore, ruling out any possibility of damaging of sewer line during the widening work of NH-58. That the picture taken from google earth/map depicting the location of NH-58 and the concerned sewer line as existed in November 2010 has also been enclosed with the letter. That moreover, SOP envisages that shifting of existing utility services to an appropriate location in accordance with the standard and specifications of concerned Utility Owning Department is part of the scope of work of contractor/concessionaire and in this case no record(s) of any kind of correspondence in respect of the concerned sewer line falling in the way of construction could be found by the contractor/concessionaire. Therefore, the claims/avermnt made by the MDA pertaining to the damage were found to be factually incorrect and hence are being denied. That the copy of the above-said letter dated 05.08.2024 bearing reference no. WUPTL/20240805/NHAI/2024/2150 along with the picture of the location taken from google earth/map is annexed hereto as **ANNEXURE- R8/1.**

9. That in this regard, request was also made by the answering Respondent M/s LN Malviya Infra Projects Private Limited which provided Independent Engineering Services to the answering



  
Project Director  
National Highways Authority of India  
P.I.U.-Meerut

Respondent to inspect the site and examine the details of the construction work. Vide its letter dated 05.08.2024 having reference no. TL/LNM/NH-58/O&M/NHAI/2023-24/233, the non existence of sewer line in the way of construction was confirmed as there was no record of correspondence in relation to shifting of the sewer line which fall within the scope of work of the contractor/concessionaire and upon the site visit, it was also confirmed that the sewer line has been laid by MDA and the issue has been resolved. That the copy of the said letter letter dated 05.08.2024 having reference no. TL/LNM/NH-58/O&M/NHAI/2023-24/233 is annexed hereto as ANNEXURE-R8/2.



10. That as such, no damage has been caused to the concerned sewer line, as alleged, by or at the behest of answering Respondent which amounts to violation of environmental laws has been committed therefore the liability to pay environmental compensation is strongly denied.

*I identify the deponent.*

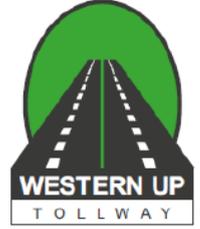
**VERIFICATION:**

Verified at MEERUT on this the 8<sup>th</sup> day of AUGUST 24 that the contents of this affidavit are true and correct to the best of my knowledge and belief.

*Raj Kumar Nigralwal*  
Project Director N.H.A.I.  
Meerut.  
*Diptanshu Kukretu Adl.*  
01/08/24

*[Signature]*  
DEPONENT  
Project Director  
National Highways Authority of India  
P.I.U.-Meerut

*[Signature]*  
DEPONENT  
Project Director  
National Highways Authority of India  
P.I.U.-Meerut



WUPTL/20240805/NHAI/2024/2150

Dated: 05-August-2024

To,  
The Project Director  
National Highway Authority of Indian  
Ministry of Road Transport & Highways  
Project Implementation Unit – Meerut  
A-1, Vaishno Dham, Near Gayatri Heights  
Kankerkheda, NH-58, Meerut – 250001 (UP)

Subject: Operations & Maintenance of NH – 58 from km 52+250 to km 130+560 of Meerut – Muzaffarnagar Section in the State of UP - **BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI. Green Wood City Villa Jan Welfare Society versus Godwin Construction Company Pvt. Ltd. & Others – reg**

Dear Sir,

The widening work of NH 58 was carried out in 2010, and at that time the construction work of Godwin Hotel and Greenwood city colony was in progress. The mentioned sewer line is around 200 mtrs, away from NH-58, hence there is no reason for it to be damaged during the widening works of the highway, also attached is the pic of google maps for better understanding.

The protocol followed during the widening works is to shift any such utility if it is found to be within the area of construction. After searching the archived correspondence, we also could not find any such request or direction mentioning the sewer line being in the way of widening works. We refute the statement made by MDA as it is factually incorrect.

This is for your kind information.  
With best regard's,  
Yours Faithfully,



Authorized Signatory,

For, **Western UP Tollway Private Limited**

**Copy to:** The Team Leader, : M/s L.N Malviya Infra project Private limited, C-28, Era Aspen Garden, Bye pass Road , Meerut District- Meerut, PIN-250002, E-mail-[meerut.muzaffarnh58@gmail.com](mailto:meerut.muzaffarnh58@gmail.com)

**Western UP Tollway Private Limited**  
(formerly known as Western UP Tollway Limited)

**Registered Office:** B-376, Upper Ground Floor, Nirman Vihar, New Delhi – 110092

**Site Office:** KM 76, Toll Plaza, NH-58, Near Siwaya Village, Roorkee Road, Siwaya Post, Modipuram, Meerut-250110 (U.P)

**Corporate Office:** 1901, 19<sup>th</sup> Floor, Tower - B, World Trade Tower, Plot # C - 1, Sector - 16, NOIDA - 201301, U.P., India

**CIN:** U90000DL2005PTC310964, **Phone:** 0120-486 8300, **Email:** [corporate.secretarial@cubehighways.com](mailto:corporate.secretarial@cubehighways.com)



11/2010  
Dfmwaen house meerut gagol

P45 house GODWIN SOCIETY

Untitled Placemark

Godwin Meerut

Godwin Complex

Image © 2024 Maxar Technologies



# L.N. MALVIYA INFRA PROJECTS PVT. LTD

8

C-28 Era Aspen Garden, By Pass Road, Meerut

District-Meerut, PIN-250002, E-mail:meerut.muzaffarnh58@gmail.com

CIN NO:U45201DL201OPTC373715

Contact: 9826452711,7773000871,9977004686,9617777944 | E-mail: lnmalviya@lninfra.com | Web www.lninfra.com

TL/LNM/NH-58/O&M/NHAI/2023-24/233

Date: 05.08.2024

To,  
The Project Director  
NHAI/PIU Meerut,  
House No. A-1, Vaishno Dham colony,  
NH-58, near Gayatri Heights,  
Kankarkhera, Meerut-250001

**Subject:** Independent Engineer Services during Operation & Maintenance of 4-laning of Meerut-Muzaffarnagar Section of NH-58 from Km 52.250 to Km 131.000 in the state of Uttar Pradesh. **Reg: Before the National Green Tribunal principal bench, New Delhi. Greenwood city Villa Jan welfare society versus Godwin construction company Pvt Ltd & others.**

**Ref:** (i) PIU Meerut email dated 03/08/2024  
(ii) WUPTL letter No WUPTL/20240805/NHAI/2150 dated 05/08/2024

Sir,

- In respect of the above subject matter the undersigned has inspected the site and examined the details of the construction work. It is updated that widening work of NH-58 was carried out in the year 2010 and the scope of work was including shifting of utility services, if any, falling within the scope of execution.
- The Concessionaire vide its letter mentioned in reference no. (ii) has confirmed that no such correspondence has been found on records, which could prove the availability of such sewer lines in the way of widening works and denied the statement made by MDA.
- During the site visit it was confirmed by Shri Rahul (Civil Engineer), representative of Godwin Construction Pvt. Ltd. that sewer line has already been laid by Meerut Development Authority and the problem has been resolved.

Submitted for your kind information and records please.

Thanking you and assuring the best of services at all time.

Yours sincerely,

**For M/S L N Malviya Infra projects Pvt Ltd**

In association with Intratech Civil Solution and consultant

(Pankaj Kumar Pandey)  
Team Leader



**Cc:** 1. Authorized Signatory, M/S Western UP Tollway Limited-for information.  
2. Mr. Sanjay Trivedi, Project Co-Ordinator, for information.