

N.D.O.H. 03.02.2025

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, AT NEW DELHI.

ORIGINAL APPLICATION NO. 332 OF 2024

IN THE MATTER OF:-

ATS One Hamlet Apartment Owners Association

..Appellant

Versus

State of Uttar Pradesh & Ors.

..Respondents

I N D E X

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Dated 14.10.2024

Place:- New Delhi

THROUGH

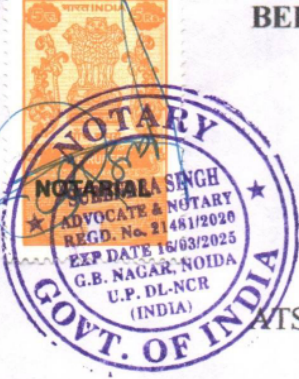


(ARUN KUMAR SINHA)
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New Delhi-110001
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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, AT NEW DELHI.

ORIGINAL APPLICATION NO. 332 OF 2024

(Under Section 18(1) read with Section 14, 15, 16 and 17
of the National Green Tribunal Act, 2010)



ATS Oner Hamlet Apartment Owner's Association

..Applicant

VERSUS

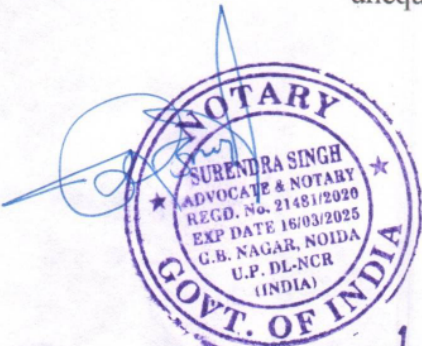
State of UP & Ors.

.. Respondent

REJOINDER AFFIDAVIT OF THE PETITIONER TO THE
COUNTER AFFIDAVIT FILED BY RESPONDENT NO. 6.

I, Col. Gurvinder Singh, S/o Col. Jaswant Singh, aged about 67 years
President of ATS One Hamlet Apartment Owner's Association, GH-
01, Sector 104, Noida presently at Delhi do hereby solemnly affirm and
state as under :-

1. That being the applicant in the aforesaid original application, I
am well conversant with the facts and record of the case and
therefore I am competent to swear this affidavit
2. That I have read and understood the contents of the Counter
Affidavit filed by Respondent no. 6.
3. I further state that upon perusal of the counter affidavit filed by
Respondent No. 6, it is clear that Respondent No. 6 has
unequivocally admitted the following facts:



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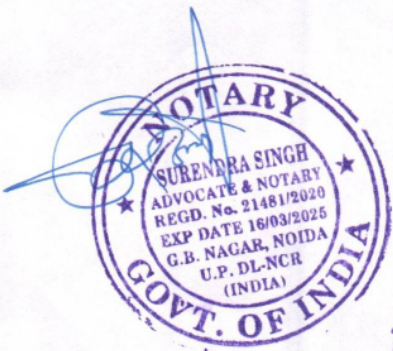
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- i. The area in question has thousands of fully grown trees, which has been done by the efforts of the management of Ashram. At Para 3 of the Reply, Respondent No.6 has duly admitted

“When Maharishi Ashram was established then a large number of plantations were carried out in order to maintain the lush green area for a natural surrounding and for a pure and pious environment. Now, thousands of fully grown trees are flourishing on the land of Maharishi Ashram as a result of continuous and tireless efforts of the management of the answering respondent for 40 years.”

- ii. Trees and other plantation in the area has been cut without any permission from the competent authority. However in order to create a sham defense and cover up its illegalities, the Respondent no. 6 has blamed third parties to whom land has been allegedly sold. At para 11, the Respondent No. 6 has duly admitted the following:

“It is submitted that few portion of the land of the answering respondent were being encroached by the local persons and they had intention to grab those property. The



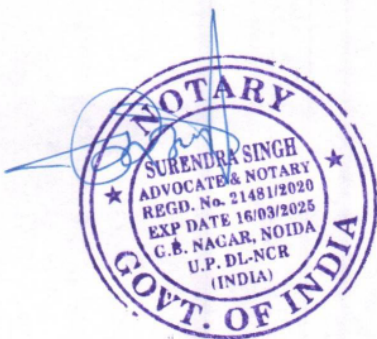
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representatives of the answering respondent tried a lot to get those encroachment cleared from them but not succeeded and therefore, the answering respondent were constrained to sell out those lands to the third party in the interest of the respondent society. Further, the answering respondent is not having any control over those persons who purchased the piece of lands from the answering respondent.”

- iii. Penalty of Rs. 2,50,000/- (Rupees Two Lac Fifty Thousand Only) was imposed by Noida Authority on Respondent no. 6 for cutting of Trees. Respondent has admitted to have paid the said penalty, which only goes to show its admission of the offence. At Para 12 of the Reply it has been stated that:

“That due to the false and motivated complaints of the members of the applicant society, the local Forest Officer visited the campus of the Ashram and arbitrarily and unreasonably imposed a penalty of Rs. 25. Lakh for allegedly cutting of bushes without permission from their office.....

.....

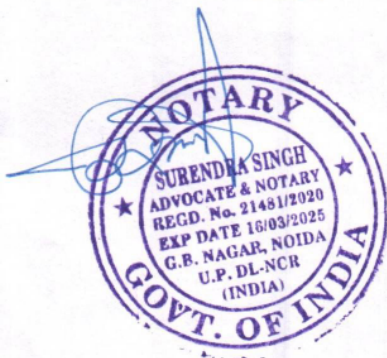


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It is made clear the amount of penalty of Rs. 2.5 lakh was deposited to the DFO Gautam Budh Nagar, U.P., dated 4.7.2024 under protest."

4. I further state that the aforesaid admission on part of the Respondent no. 6 clearly shows that fully grown trees were cut and after cutting of Trees construction activity was being carried out. The DFO on the complaint of the Applicant duly visited and inspected the area. Upon inspection, DFO duly found that fully grown trees were cut and consequently penalty was levied, which was duly paid. Thus the reply clearly shows that all allegations levied by the Applicant in the Application are true and correct.
5. I further state that inspite of levy of penalty, the Respondent No.6 has continued with its illegality. Applicant states that even now trees are being unabatedly being cut for carrying out construction activity as can be seen from the photographs and video links attached with the present rejoinder. Photographs showing cutting of trees and construction of building in the land in issue are attached as Annexure A-10 (Colly).



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6. I further state that the Applicant has highest respect of His Holiness Maharishi Mahesh Yogi and the religious, spiritual, educational and other welfare activities being carried out by the Ashram management. I further state that the Applicant never raised any protest or objection to the Vedic Scholars (Pandits) of the Respondent, who has been performing Puja, Yagya and chanting Vedic mantras.
7. It is vehemently denied that Applicant or its members have ever made any complaint on the chanting of Mantras and performance of Yagyas or running of charitable schools "Maharishi Ved Vigyan Vishwa Vidyapeetham", "Maharishi Vidya Mandir" and Meditation Centre" Maharishi Bhavateet Dhyam Kendra". I state that the present condominium was constructed sometime in 2012-2013 and was fully occupied by 2015-2016. There was no complaint whatsoever of any nature on the activities carried out at the Ashram, it was only after it was discovered that trees were being cut and construction activities were being carried out that complaints were sent to local officials.

PARA WISE REPLY ON MERITS

8. I state that the contents of Para 1 of the Reply are wrong and denied. It is vehemently denied that the Application is not



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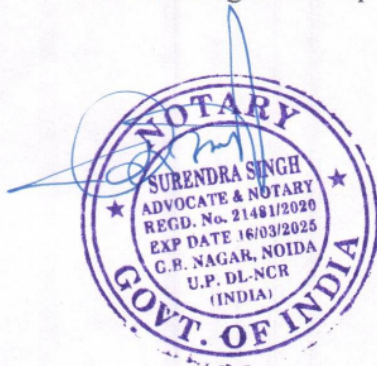
maintainable under the provisions of NGT Act or it has been filed to harass the Respondent No.6.

9. I state that the contents of Para 2-3 of the Reply are beyond the knowledge of the Applicant as such merits no comments.
10. I state that the contents of Para 4 of the Reply are wrong and denied. It is vehemently denied that the Application has been filed without any cause of action. It is further denied that the present application has been filed with false, distorted and misleading facts and with the sole motive to get the undue media attention/ glare and show themselves to be social activist by raising false and bogus issues before this Hon'ble Tribunal. It is vehemently denied that there is no illegal cutting of trees and destruction of any green belt have ever taken place within the periphery of the campus of the respondent No. 6, which may affect the applicant or any other person or group housing society.
11. I state that the contents of Para 5 of the Reply are wrong and denied. It is vehemently denied that the present complaint by presenting false and distorted facts with the sole motive to tarnish the image of the respondent Society and its founder His



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Holiness Maharishi Mahesh Yogi. It is reiterated that the Applicant and its members have highest respect of His Holiness Maharishi Mahesh Yogi and the religious, spiritual, educational and other welfare activities being carried out by the Ashram management. However, cutting of trees has caused destruction of natural flora and fauna in the area. The green belt is a natural habitat to variety of birds, animals, plants, trees and shrubs, which are natural to the area. The cutting of trees will have disastrous impact on the environment as the birds and animals will become homeless. Hence the same has to be banned in the area by all means. It is vehemently denied that any property dealers and land grabber are involved in the AOA of the applicant society, it is vehemently denied that any of the members of the Applicant society have their ill-eyes on the property of the answering respondent. It is submitted that Applicant society is one of the most respected society in the area and the members come from varied background including former Servicemen, bureaucrats, academicians, medical profession, legal professionals, engineers, head and Senior officers of various corporate entities, businessmen, etc. no one has any interest in the land of the Ashram and only want the area to remain green and peaceful for everyone to enjoy.

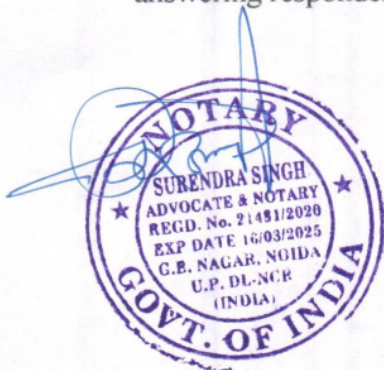


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12. I state that the contents of Para 6 of the Reply are beyond the knowledge of the Applicant as such the same merits no comments.

13. I state that the contents of Para 7 of the Reply are wrong and denied. It is denied that there has been no cutting of trees in the area. It is reiterated that DFO, Gautam Budh Nagar has duly inspected the area and upon survey and inspection, it was found that trees have been cut and thereafter penalty was levied. In spite of levy of penalty, the cutting of trees and construction activities have continued unabated in the area, which is evident from the site photographs attached herein. It is denied that cutting was restricted to trimming and cutting of bushes on the way to power station rather in the grab of clearing the bushes trees were cut to make roads to connect the proposed residential/ commercial complex being constructed inside the area. The contents of rest of the para under reply are wrong and denied.

14. I state that the contents of Para 8 of the Reply are wrong and denied. It is vehemently denied that present application has been filed by the applicant with mala fide intention to pressurize the answering respondent No.6 to stop all their religious activities at

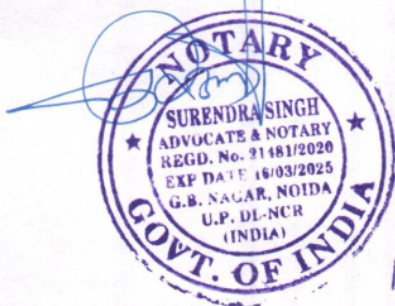


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the place. It is submitted that Respondent may continue with their religious and spiritual practise in the manner they want without causing any disturbance to natural flora and fauna of the area. It is further submitted that the gates were closed by Local administration as the same was being used for carrying construction material inside the land for carrying out construction activities.

15. I state that the contents of Para 9 of the Reply are wrong and denied for want of knowledge. However it is specifically denied that the Applicant has approached this Hon'ble tribunal with unclean hands or have concealed any material fact. It is vehemently denied that few influential people of the applicant have been creating hinderance to the smooth functioning of programs of the answering respondent and have been causing nuisance in one or the other way since long time. It is further denied that the present application has also been filed by them only to harass the answering respondent and to satisfy their ill-motive against it.

16. I state that the contents of Para 10 of the Reply are wrong and denied. It is denied that the present application is based on false

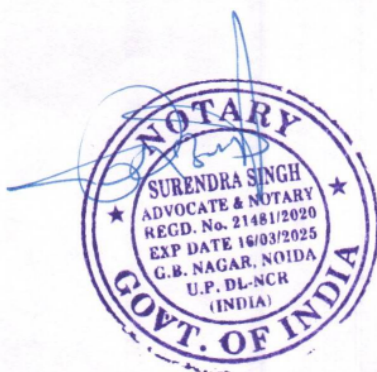


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and manufactured facts and there is not an iota of truth in it and therefore, it is liable to be dismissed with exemplary cost.

17. I state that the contents of Para 11 of the Reply are wrong and denied. It is denied that the applicant has made bald and wild allegations against the answering respondent that it is carrying the activities of illegal cutting of trees and destruction of green belt on its land. It is further denied that applicant has also made false allegations that the answering respondent is carrying on work of civil construction on the land without attaching any proof. It is further denied that answering respondent is not having any control over those persons who purchased the piece of lands from the answering respondent. It is reiterated that it is a clear admission that trees have been cut for construction activity in the area. It is further denied that are overtly lying before the Hon'ble Tribunal with their mala fide intention to tarnish the image of the answering respondent i.e. Maharishi Ashram Society and trying to hamper the smooth charitable, religious, and social activities of the respondent society.

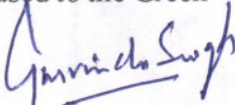
18. I state that the contents of Para 12 of the Reply are matter of records and merits no comments. I further state that the aforesaid admission on part of the Respondent no. 6 clearly shows that



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fully grown trees were cut and after cutting of Trees construction activity was being carried out. The DFO on the complaint of the Applicant duly visited and inspected the area. Upon inspection, DFO duly found that fully grown trees were cut and consequently penalty was levied, which was duly paid. Thus the reply clearly shows that all allegations levied by the Applicant in the Application are true and correct.

In light of the submissions made above, it is prayed that the application may be allowed and reliefs as prayed in the Application may be granted by this Hon'ble Tribunal and appropriate directions may be passed upon the respondents to (a) immediately stop the cutting of trees and construction of residential/ commercial activity/ sale of land inside the Maharshi Ashram situated at Sector 110, Noida & (b) Direct the concerned authorities to make assessment of the Damage caused by the Respondent No. 6 to the natural habitation and direct the Respondent No. 6 to compensate for the loss caused to the Green Area.


DEPONENT



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VERIFICATION

Verified at *Noida* on this *11th* day of
October 2024 that the contents of the above affidavit are true and
correct to the best of my knowledge and nothing material has been
concealed therefrom.

DEPONENT



ATTESTED

SURENDRA SINGH
ADVOCATE & NOTARY REG. No. 21481
G.B. NAGAR, NOIDA (U.P.)
DL NCR (INDIA)

11 OCT 2024





OA NO. 332 OF 2024 ATS ONE HAMLET APARTMENT ASSOCIATION VS STATE OF U.P. & ORS.

1 message

Arun Sinha <arunksinhaandassociates@gmail.com>

Mon, Oct 14, 2024 at 10:48 AM

To: csup@nic.in, info@uppcb.in, noida@noidaauthorityonline.com, dmgbn@nic.in, secy-moef@nic.in, info@maharishimaheshyogi.in

Dear Sir

Please find attached herewith rejoinder affidavit of the Petitioner to the counter affidavit filed by the Respondent No.6 in the above-mentioned matter.

Thanks & Regards

ARUN K. SINHA

ADVOCATE-ON-RECORD

SUPREME COURT OF INDIA

NEW DELHI

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**REJOINDER AFFIDAVIT IN OA NO 332 OF 2024.pdf**

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