

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH AT NEW DELHI****ORIGINAL APPLICATION NO. 392 OF 2022****IN THE MATTER OF:**

PRASOON PANT &amp; ANR. ... APPLICANTS

VERSUS

UNION OF INDIA &amp; ORS. ... RESPONDENTS

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**THROUGH****RITWICK DUTTA****RAHUL CHOUDHARY  
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**PLACE: NEW DELHI****DATE:- 14.10.2024**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH AT NEW DELHI****ORIGINAL APPLICATION NO. 392 OF 2022****IN THE MATTER OF:**

PRASOON PANT &amp; ANR. ... APPLICANTS

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**REJOINER TO REPLY FILED BY RESPONDENT NO. 8 ON  
BEHALF OF THE APPLICANTS****MOST RESPECTFULLY SHOWETH:**

1. That the above titled application was filed by the Applicants raising the grievance of illegal extraction of ground water by the builders operating in Noida, particularly forty named in the array of parties as respondent Nos. 09 to 48 which have total 63 projects. The Applicants submitted that the statutory authorities have failed to prevent illegal extraction of ground water for commercial purposes resulting in depletion of ground water level in the area identified as 'overexploited' as per assessment of the CGWA.
2. That the present Rejoinder is being filed by the Applicants in response to the Reply dated 15.07.2024, filed by the Respondent No. 8, Greater Noida Industrial Development Authority, who is responsible for supply of water to the residential projects. The Applicants deny the contents of the reply filed by Respondent No. 8 in entirety except which are expressly admitted or are matter of record.

**PRELIMINARY SUBMISSIONS:**

3. That the Applicant is making the following preliminary submissions to the contentions of the Respondent No. 8 raised in the Reply:
  - a. That the Applicant categorically denies all allegations and averments contained in the Reply dated 15.07.2024 by the

Respondent No. 8. These assertions are wholly unfounded and misleading. Any statements or allegations in the Reply not specifically addressed in this present Rejoinder are deemed expressly denied as wrong and false.

- b. That the Applicants submit that the UPPCB Report dated 18.03.2024 filed before this Hon'ble Tribunal refers to a meeting held on 11.01.2024 of joint committee in which Greater Noida Authority was also party. In this meeting dated 11.01.2024 it was decided that GNIDA will produce relevant data about use of water in construction phase including STP treated water provided by authority. Through letter dated 14.03.2024, the GNIDA had responded by providing a table with details of only 12 projects out of total 41 projects in question (**Pg. 1284-1288, Annexure B, UPPCB report dt. 18.03.2024**). In this table the GNIDA had not provided data from their record but information of the 12 projects out of 41 based on the information received from the Project Proponents. It is submitted that Greater Noida Authority has not provided information about use of water in construction phase including STP treated water provided by authority to 41 project proponent even with the reply filed herein.
- c. That the GNIDA has failed to supply any detail on the water availability granted for the projects for construction and has ignorantly stated that it has sufficient STP treated water supply available, without giving any details as to which project has purchased how much water during construction phase.

**REJOINDER TO THE REPLY OF THE RESPONDENT NO. 8**

3. That the contents of Para 4 are denied as baseless as the Applicants are public spirited individuals who are actively working for the cause of environment and have also approached this Hon'ble Tribunal bringing about various issues relating to environmental concerns.

4. That the contents of Para 5-7 are denied except which are a matter of record. It is submitted that although the GNIDA has mentioned that the Builders can purchase the STP treated water for construction, they have failed to provide any details of how much quantity of water has been taken by the Respondent Builders in their Reply. Further, in response to Para 7, the Applicants submit that in respect of supply of potable water under providing amenities, whether the GNIDA is supplying groundwater from borewells to various sectors and builder projects in Greater Noida with necessary permissions. Further, the Reply is also silent on the aspect whether digital meters have been installed, in addition to assignment of operators for running these borewells, and timely monitoring is being done regarding the same.
5. That the contents of Para 8 require no response from the Applicants.
6. That the contents of Para 9, 13-14 are denied as the GNIDA has the responsibility to provide infrastructure for industrial, commercial and residential purposes as per Section 6 of the UP Industrial Area Development Act, 1976. Section 6 further states that the GNIDA is also supposed to provide water supply as amenities, and also regulate erection of buildings and setting. Therefore, before allotting any project, it is the duty of the GNIDA to ensure that there is sufficient availability of water supply so as to not impact the groundwater table.

The relevant portion of the Section 6 is reproduced below:

*6. Function of the Authority:*

*(1) The object of the Authority shall be to secure the planned development of the industrial development area.*

*(2) Without prejudice to the generality of the objects of the Authority, the Authority shall perform the following functions :-*

*(b) to prepare a plan for the development of the industrial development area;*

*(c) to demarcate and develop sites for industrial, commercial and residential purpose according to the plan;*

*(d) to provide infrastructure for industrial, commercial and residential purposes;*

*(e) to provide amenities;*

*(f) to allocate and transfer either by way of sale or lease or otherwise plots of land for industrial, commercial or residential purposes;*

*(g) to regulate the erection of buildings and setting up of industries: and*

*(h) to lay down the purpose for which a particular site or plot of land shall be used, namely for industrial or commercial or residential purpose or any other specified purpose in such area."*

Further, the Applicants have not sub-divided the city into parts and is only concerned with the excessive groundwater extraction impacting the potable water table.

It is also submitted that the contents of Para 13 are denied as baseless and immaterial. The Applicants deny having any hidden agenda for trying to carve out bifurcation of the integrated city of Greater Noida into the old and new township. This contention shows ignorance towards the present day happenings. The Applicants had in OA complained against projects existing on Bisrakh block which is an over-exploited area in respect of groundwater and upon which Noida Extension also known as Gr Noida West is also located. It is really unfortunate that the respondent is accusing the applicants for dividing Gr Noida, well knowing that in Noida Extension rampant construction activity has been going on since the last decade or so, leading to groundwater exploitation.

7. That the contents of Para 10 and 11 are denied as the Applicant received these documents as available on the UP Groundwater website.
8. That the contents of Para 12 are denied. It is submitted that the UP Industrial Area Development Act, 1976 does not define the term 'water supply' as potable water. Therefore, such a term cannot be limited to potable water based on interpretation of the Authority. Further, the Section 6 clearly defines the functioning of the authority which states that the GNIDA is also supposed to provide water supply as amenities, and also regulate erection of buildings and setting. Therefore, before allotting any project, it is the duty of the GNIDA to ensure that there is sufficient availability of water supply so as to not impact the groundwater table. Also, as for the contention that the Applicant No. 2, not being a recipient of any allotment made by the GNIDA, it is

submitted that the Applicants are concerned about the depleting sources of groundwater and have presented the same through Annexure A-2 that the Bisrakh block to be termed as 'Over-Exploited' as per the CGWA assessment of groundwater, 2020. It is immaterial whether the Applicant No. 2 has received allotment, since he is a resident of Greater Noida, he is on the receiving end of the falling groundwater table in Bisrakh.

9. That in reply to Para 15, the Applicant would like to contend that they have been making innumerable complaints against environmental violations existing in Ghaziabad areas of Vaishali, Vasundhara, Crossings, Raj Nagar Extension area etc especially with regard to groundwater violations, which they have been doing as crusaders for protection of the environment.

10. That the contents of Para 16 and 18 are denied. As per the study done by CSIR titled "*Frequent earthquakes around Delhi linked to groundwater pumping*", it is clearly shown that there is an increase in seismic activity from the 'alarming' increase in groundwater pumping in the Aravalli-Delhi Fold Belt extending up to Udaipur.

A copy of the CSIR study titled "*Frequent earthquakes around Delhi linked to groundwater pumping*" is annexed herewith as **ANNEXURE A-1.**

11. That the contents of Para 17 are denied as the Applicants have not challenged the fixation of land use and allotments before this Hon'ble Tribunal. The Applicants have only brought the issue of extreme groundwater extraction, affecting the groundwater table alarmingly.

12. That the contents of Para 19 are misconceived and hence, denied. It is submitted that the Report of Niti Ayog has been included to show the grave nature of groundwater availability in the country. The Applicants are merely showing that with such depleting levels, groundwater in

Greater Noida is also affected. Hence, proper study and monitoring is required to be undertaken for the same.

13. That the contents of Para 20-22 require no response from the Applicants.

14. That the contents of Para 23 are denied. It is submitted that the said Annexure A-4 was provided to the Applicant by the CGWB, and have been annexed as it is.

15. That the contents of Para 24, 26, 27 and 28 are denied. It is submitted that the contentions raised by the Applicants in the Original Application have been shown to be true as per the Joint Committee Reports dated 7.10.2022, 15.05.2023, 30.06.2023 and subsequent reports, wherein individual compensation has been imposed on the Respondent Builders for illegal extraction of groundwater. Final compensation has also been calculated by the UPPCB in report dated 12.07.2024. Therefore, it can be clearly seen that the Respondent Builders have extracted groundwater illegally.

16. That the contents of Para 25 have already been responded to by the Applicants from the above-mentioned submissions, and the same is not being repeated for the sake of brevity.

17. That the GNIDA is required to provide data on the supply of STP treated water to the Project Proponents for construction purposes, as claimed by the Respondent Builders in their Replies.

18. That in light of the above submissions and in the interest of justice, the Hon'ble Tribunal may very kindly allow the prayer made in the Original Application.

19 ) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

*J. Pant*

**APPLICANT No. 1**

THROUGH

*Rahul Choudhary*

**RITWICK DUTTA**

**RAHUL CHOUDHARY  
ADVOCATES**

COUNSELS FOR THE APPLICANT  
N-73, Lower Ground Floor,  
Greater Kailash - 1,  
New Delhi - 110048

Email: litigation@dclawchambers.com

**VERIFICATION**

Verified by Praseon Pant, S/o Late Shri Prof. M. C. Pant, aged about 49 years, R/o 17D 108, Konark Enclave, Vasundhara, Ghaziabad, U.P. 201012, do hereby verify that the contents of Paragraphs 1 to 19 are true to my personal knowledge and nothing material has been concealed therefrom.

*J. Pant*

**APPLICANT No.1**

Date: 09.10.2024

Place:- Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION No. 392 of 2022**

**IN THE MATTER OF:**

Prasoon Pant & Anr.

...Applicants

Versus

Union of India & Ors.

...Respondents

**AFFIDAVIT**

I, Prasoon Pant, S/o Late Shri Prof. M. C. Pant, aged about 49 years, R/o 17D 108, Konark Enclave, Vasundhara, Ghaziabad, U.P. 201012, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am Applicant No. 1 in the above titled Original Application and am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

*J. Pant*

**DEPONENT**

**VERIFICATION**

Verified on this 9 day of OCT 2024 that the contents of present Affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



*J. Pant*

**DEPONENT**

**ATTESTED**

**NOTARY PUBLIC**



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**MINISTRY OF SCIENCE & TECHNOLOGY, GOVT. OF INDIA**

## Annexure A-1



HOME	ABOUT US ▾	R & D ACTIVITIES ▾	ACHIEVEMENTS ▾	COLLABORATIONS ▾	CSIR IN MEDIA ▾	CSR
SSR	CSIR BLOG ▾	ETHICS AT CSIR ▾				

## Frequent earthquakes around Delhi linked to groundwater pumping



Earthquakes along the Aravalli-Delhi Fold Belt (ADFB) – spanning north of Delhi to Udaipur in India’s northwest – appear to be more frequent around the national capital, a region that extracts maximum groundwater for agricultural and domestic use. A team of geophysicists now suggest a link between the increased seismic activity and the ‘alarming’ increase in groundwater pumping in the Delhi region<sup>1</sup>.

Simulating data around space-based gravity change, earthquake frequency, GPS, rainfall and well-level groundwater, Vineet Gahalaut, chief scientist at the National Geophysical Research Institute (NGRI) in Hyderabad, and his colleagues suggest that the pressure on groundwater aquifers may be the trigger for increased seismic activity in the region.

“Groundwater pumping leads to reduction in water load in the aquifers causing subsurface faults to unclamp, thereby promoting failure,” Gahalaut told Nature India. This means that earthquakes

in this region are either triggered or their frequency is modulated by the groundwater withdrawal patterns, he said. The combined effect of aquifer contraction and basement rock expansion modulate the effective stress regime and seismicity on the faults of the region, he added.

The 'low magnitude but moderate seismicity rate' of Delhi region correlates with groundwater pumping for extensive irrigation, urban activities, and seasonal loading of freshwater aquifers. To understand how much groundwater was being extracted in northwest India and the region surrounding Delhi, the researchers explored 156 months of NASA's Gravity Recovery and Earth Climate Experiment (GRACE) data and Global Land Data Assimilation System (GLDAS), from January 2003 to December 2015.

They estimated that groundwater storage in the region was changing at an 'alarming' rate of around 1.6 cm per year. Although the entire Aravalli-Delhi Fold Belt experiences earthquakes, the Delhi region appears to be more active seismically, having witnessed several moderate and strong historical earthquakes in 1720, 1831, 1956 and 1960. Most of these earthquakes occurred in the upper 25 km of the Earth's crust. The study suggests that recent earthquakes in the region have good correlation with the timing of the seasonal hydrological loading cycle. "During the water loading period – June to September monsoon time – seismicity is the lowest, whereas it is relatively high during the unloading period."

"Such hydrological processes may trigger earthquakes, but what causes them in the intraplate region (away from the plate boundary regions like the Himalayan arc) still needs to be explored," Gahalaut said. It is also a good prompt for future explorations into the seismogenic potential of the region and to determine the maximum magnitude of an earthquake which may occur here, he said. With hydrological modeling, in-situ and satellite-based observations, the researchers also indicate alarming groundwater extraction rates across the Indo-Gangetic Basin in north-western India.

'Induced seismicity' is of concern to scientists observing a direct link between water withdrawal rates and earthquakes. They suggest that this may be a promising tool to mitigate the occurrence of induced earthquakes. Delhi could represent other mountain valley regions in the world that experience similar overexploitation of aquifers and suffer from ground subsidence and seismicity, the authors suggest. "The two-way coupling between fluid flow and mechanical deformation processes also holds promise for uncovering hidden basement faults and effective forecasting of human-induced earthquakes," Gahalaut pointed out.

Earlier, another NGRI study found links between the heavy extraction of groundwater in the Indo-Gangetic basin for over five decades to the devastating magnitude 7.8 earthquake in Nepal in April 2015.

Similar studies are underway in other regions of India. In Maharashtra, scientists are trying to understand the phenomenon of induced earthquakes in a reservoir of the Koyna Dam. "There too, water loading seems to be the primary driver," said Madhavan Rajeevan Nair, secretary in India's Ministry of Earth Sciences.

Globally, earthquakes have been associated with extraction of water, oil and gas<sup>3</sup>. Ramesh Singh, a geophysicist at Chapman University in California said the Indian government must think of rotation of crops to minimise use of groundwater in agriculture. “Dedicated water wells that can be monitored will provide good information about the changes in stress possibly leading to earthquakes,” he told Nature India.

The NGRI study adds to the growing body of evidence on how modest stress changes from non-tectonic loads can influence the activity of small earthquakes. “They are still tectonic earthquakes, but apparently influenced by changing amounts of water at the Earth's surface and in the ground,” said Roland Burgmann, Professor in the Department of Earth and Planetary Science at the University of California, Berkeley.

With improved seismicity records and continuous studies, it should be possible to solidify these linkages, he said.



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Last Updated: 21 May 2021





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DC Law Chambers &lt;dclaw160@gmail.com&gt;

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**Copy of Rejoinder on behalf of the Applicant in OA No. 392 of 2022 Prasoon Pant Vs. MOEF & Ors.**

1 message

**DC Law Chambers** <dclaw160@gmail.com>

Mon, Oct 14, 2024 at 2:31 PM

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Dear All,

Please find attached- Copy of Rejoinder on behalf of the Applicant in OA No. 392 of 2022 Prasoon Pant Vs. MOEF & Ors.

Thanks &amp; Regards

Counsel for the Applicant

**Rejoinder on behalf of Applicant.pdf**

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