

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI**

O.A NO. 1248/2024

IN THE MATTER OF:

Kissan Udey Samiti

...Petitioner

VERSUS

State of Haryana & Ors.

...Respondents

D.O.H: 18.09.2025

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DELHI:

DATED: 6.06.2025

THROUGH

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APPLICANT

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REJOINDER TO THE REPLY FILED BY RESPONDENTS

NO.5 & 6, BY AND ON BEHALF OF THE APPLICANT.

Hon'ble Justice,

It is most respectfully submitted as under:-

REPLY TO PRELIMINARY OBJECTIONS:

1. That para No.1 of the preliminary objections are wrong, false and fictitious, hence, the same is denied. It is denied that the purported application made under section 14 & 18 of National Green Tribunal Act, 2010, is beyond the scheme and purpose of the act as no substantial question relating to environment is set out in the application by the applicant, it is denied that the reliefs

sought are not in accordance with section 14 & 18 of the Act. It is denied that the applicants have failed to specify any actual environment harm or damage in its application or through the evidence. It is submitted that the provisions which have been violated are duly mentioned in para 19, 20 and 22 of the petition, the same are reiterated as under:-

“19. That any addition/alteration can be done in the canal/drainage under the following circumstances under Section 17 of The Haryana Canal and Drainage Act, 1974:

Section 17. Preparation of draft scheme.-

(1) Notwithstanding anything contained to the contrary in this Act but subject to the rules prescribed, Divisional Canal Officer may, on his own motion or on the application of a shareholder, prepare a draft scheme to provide for all or any of the matters, namely:—

(a) the construction, alteration, extension and alignment of any watercourse or re-alignment of any existing watercourse;

(b) allotment of any new areas to a watercourse or an outlet or reallocation of areas served by one water-course to another or from one outlet to another, or for exclusion of an area, from an outlet or a watercourse;

(c) construction of a new outlet, shifting or modification of an existing outlet.

Explanation.—Any change in the design or size or both of an outlet, whose design or size or both have been changed in an unauthorised manner, for restoring the same to its authorised discharge shall not be deemed to be a modification;

(d) the lining of any watercourse;

(e) the occupation of land for the deposit of soil from watercourse clearances;

(f) any other matter which is necessary for the proper maintenance and distribution of supply of water from a watercourse or an outlet.

(2) Every scheme prepared under sub-section (1) shall, amongst other matters, set out the estimated cost thereof, the alignment of proposed watercourse or re-alignment of the existing watercourse, as the case may be, the site of the outlet, the particulars of the shareholders to be benefited and a sketch plan of the area proposed to be covered by the scheme.

20. That under Section 58 of The Haryana Canal and Drainage Act, 1974, altering the size of the drain is an offence. The relevant provision is reproduced as under:

58. Offences under the Act.—Whoever, without proper authority, does any of the following acts:—

(a) damages, alters, enlarges or constructs any canal or drainage work;

(b) interferes with, increases or diminishes the supply of water in or the flow of water from, through, over or under, any canal or drainage-work;

(c) interferes with or alters the flow of water in any river or stream, so as to endanger, damage or render less useful any canal or drainage-work;

(d) being responsible for the maintenance of a watercourse, or using a watercourse, neglects to take proper precautions for the prevention of waste of a water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in any unauthorised manner;

(e) causes any vessel to enter or navigate any canal contrary to the rules for the time being prescribed by the State Government for entering or navigating such canal;

(f) while navigating on any canal neglects to take proper precautions for the safety of the canal and of vessel thereon;

(g) corrupts or fouls the water of any canal;

(h) destroys or moves any level mark or water gauge fixed by the authority of a public servant;

(i) passes, or causes animals or vehicles to pass, on or across any of the works, banks or channels of a canal or drainage-work contrary to rules made under this Act, after he has been desired to desist therefrom;

(j) disobeys any order passed under section 55;

shall, in respect of offences under clauses (a), (b) and (c) above be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment not exceeding six months or to both and in respect of other offences shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment not exceeding one month or to both.

22. That as per Section 2(a) of The Environment Protection Act, 1986, environment is defined as follows:

“2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “environment” includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property.”

It is submitted that Department has no such power under the Act to decrease the width of the Canal/ drain and endanger the lives of thousands of people and destroy the crops of the farmers inasmuch as such work is an offence under the Haryana Canal and Drainage Act, 1974 and The Bhartiya Nyaya Sanhita, 2023.

2. That the contents of para No.2 of the preliminary objections are wrong, false and fictitious, hence, the same are denied. It is denied that the Applicant's grievances do not raise a "substantial question relating to the environment" as required under Section 14 of the National Green Tribunal Act, 2010. It is denied that the allegations regarding canal overflow and potential crop damage resulting in flooding and water logging are speculative and lack scientific or technical evidence to demonstrate any direct environmental harm. It is denied that the Tribunal's jurisdiction is limited to civil cases involving environmental degradation or enforcement of environmental rights, and the present application fails to meet this threshold.

It is submitted that apart from the issue of decreasing width of canal, the applicant has categorically submitted for cutting trees inasmuch as applicant has filed numerous photographs from time to time with the applications which have not been denied in the reply.

3. That para No.3 of the preliminary objections are wrong, false and fictitious, hence, the same is denied. It is denied that the purported application and accusations made therein against the

Respondent No. 5 and 6 are bereft of any cause, facts and evidence. It is denied that no particular/ specific harm or damage is shown to have been caused to the environment. It is denied that the Annexure A4 is the only evidence in the form of photographs that are only date stamped and not place marked and therefore does not comprise as evidence under the law. It is denied that there is no certificate under section 65-B of the Indian Evidence Act, 1872 or Section 63(4) (c) of the Bharatiya Sakshya Adhinyam, 2023 submitted by the applicant along with the application and therefore are not admissible in the said proceedings as evidence.

It is submitted that non-specific denial of photographs is tantamount to admission, especially, it is case under summary procedure.

4. That the contents of para No.4 of the preliminary objections are wrong, false and fictitious, hence, the same are denied. It is denied that the Applicant has filed the present false and vexatious Application to make the Respondent No.5 & 6 to bow down before their illegal demands. It is denied that the applicant

filed the present Application with the motive to impede and delay the progress of the Infrastructure project.

It is submitted that applicant has raised voice against the life threats of thousands of people and damage to crops of crores of rupees. It is submitted that such project is against the public policy and same is in violation of Section 23 of The Indian Contract Act, 1872.

5. That the contents of para No.5 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same are denied. It is denied that the application is liable to be dismissed as the Applicant has wilfully, purposely, intentionally and out of ulterior motives suppressed and concealed the material true and correct facts from this Hon'ble Tribunal and has not come out with clean hands, which disentitles them to any relief claimed therein. It is denied that thus, the Applicant is guilty of *suppresso veri* and *suggestion falsi*.

It is submitted that the answering respondents have not disclosed or described the ulterior motives of the applicant thus, they have taken this objection only to humiliate the applicant. It

is submitted that the intention of respondents No.5 and 6 is only to gain benefits at the cost of lives of thousands of people, hence, this contention is liable to be rejected with heavy cost.

6. That the contents of para No.6 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same is denied. It is denied that the applicant has suppressed the fact that the Respondent company has obtained all necessary permissions, including a No Objection Certificate (NOC) from the competent governmental authorities prior to the execution of the agreement and commencement of the project. It is denied that this suppression renders the application liable to be dismissed for lack of bonafide.

It is submitted that following license/ permission are required in view of the policy dated 08.08.2017:

- A. Structure stability/ safety certificate, design, drawing, specification and estimate obtained from one of the following institutes: (a) any of the IIT's (b) PEC University of Technology, Chandigarh, (c) National Institute of Technology, Kurukshetra (d) Central Building Research

Institute (CBRI), Roorkee. (Vide para 4.3 of the policy dated 08.08.2017)

B. Clearance from other concerned Departments like Forest Department, PWD (B & R), Mining Department, NHAI, etc. (Vide para 9 of policy dated 08.08.2017)

C. IT Policy issued vide Electronics and Information Technology Department, Haryana Government Notification No.2/368/Vol-II/421 dated 11.06.2014.

D. Design and draining submitted by M/s Design Infrastructure Pvt. Ltd.

E. Approval/ NOC from competent authority to fulfill the requirement of notification dated 14.09.2006 of Ministry of Environment & Forest, Govt. of India before starting the development works of the colony.

It is also submitted that the license granted to Respondents No.5 and 6 were only valid till 12.04.2009.

7. That the contents of para No.7 are a matter of record, hence, needs no reply. It is submitted that, however, respondents have failed to comply with the procedure as laid down in said policy dated 08.08.2017 inasmuch as no policy can go against the public policy/ public interest.

8. That the contents of para No.8 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same is denied. It is denied that Respondent No 6 submitted the application in the prescribed format, after consideration of which, No Objection Certificate was granted and an agreement for construction of work was executed between Executive Engineer Shri Manjeet Singh (Respondent No. 7) and Respondent No 6. It is denied that Respondent No 5 followed all the procedure before issuing the NOC and executing the agreement.

9. That the contents of para No.9 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same is denied. It is denied that the Director Town and Country Planning, Haryana granted License No 177 of 2007 dated

13.04.2007 for the development of residential colony 53.503 Acres land situated near the Drain no 8, sector 58 in village Kundli, Sonipat and the Director Town and Country Planning, Haryana vide order dated 07.12.2010 transferred License to associate Companies of Respondent No 5 and 6. It is denied that Respondent no 5 and 6 after the development of the residential colony has obtained part completion certificate. It is denied that as per Zoning plans and sanctioned revised layout cum demarcation plan of Road on the Drain no 8 as approved by DTP Haryana. It is submitted that this Hon'ble Tribunal vide judgement and order dated 15.07.2022 in O.A. No.764 of 2018 in case titled as, 'Kissan Udey Samiti v. State of Haryana & Ors.' observed that the developers along with the answering respondents have failed to comply with environmental norms and did not install proper sewerage system for disposal of waste in the residential colonies and imposed penalty on the respondents inasmuch as has obtained these licences by playing fraud with the public. It is submitted that the answering respondents are habitual offenders when it comes to violation of environmental laws.

It is submitted that no permission was granted to decrease the width and endanger the lives and properties of inhabitants of the area.

10. That the contents of para No.10 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same is denied. It is denied that the applicant has suppressed the fact that the land designated for road construction is not agricultural land whereas this Land is a Residential Land or Non Agriculture Land and therefore the Director Town and Country Planning, Haryana gave License to Respondent No. 6 in 2007.

It is submitted that issuance of license is part of corruption, hence, applicant reserves its right to file separate complaint.

11. That the contents of para No.11 of the preliminary objections are wrong, false and fictitious, hence, the same is denied. It is denied that answering Respondent for the facility of the residents of the Sector-58, Sonipat after taking necessary permission is constructing the Road on the bank of the Drain No. 8, Sector-58, Sonipat and there is no iota of truth in the

allegations of the Applicant that the Respondent No 6 is illegally encroaching the land of drain No.8. It is denied that as per terms and conditions of the permission granted by Irrigation and water resource Department of Haryana the Respondent No 6 has to comply to all the terms and conditions. That para 11(i), 11(ii) and 11(iii) are a matter of record, hence, needs no reply.

It is apparent that width of road has been increased, thus, automatically, width of drain has been decreased.

12. That the contents of para No.12 of the preliminary objections are wrong, false and fictitious, hence, the same is denied. It is denied that the applicant's claims regarding canal overflow, crop destruction due to the flooding or water logging in fields and the alleged fabricated agreement are vague, unsubstantiated, and speculative. It is denied that the application lacks scientific data, technical reports, or expert opinions to support the contention that the road construction will cause environmental harm or agricultural losses. It is denied that such unsubstantiated claims do not warrant adjudication by this Hon'ble Tribunal.

13. That the contents of para No.13 of the preliminary objections are wrong, false and fictitious, hence, the same is denied. It is denied that it is evident from the prayer and pleading of the applicants that there is no victims of pollution, and no environmental damage has been caused, therefore, no restitution of environment or property or area has been prayed for. It is denied that thus, the prayer made in the application is malafide and motivated, contradictory to the purpose of the act and not made in the interest of the environment or public.

REJOINDER ON MERITS:

1. That para No.1 of the reply needs no reply and para 1 of the original application is reaffirmed as true and correct.
2. That the contents of para No.2 of the reply needs no reply and para 2 of the original application is reaffirmed as true and correct.
3. That the contents of para No.3 of the parawise reply are wrong, false and fictitious, hence, the same are denied. It is denied that the pursuant to proposal, the Respondent no 6 followed the procedure as stated in the Policy dated

08.08.2017 and was granted the permission. The corresponding para of the application is reaffirmed as true and correct.

4. That the contents of para No.4 of the parawise reply are wrong, false and fictitious, hence, the same are denied. It is denied that the Respondent No 6 neither encroached nor intruded on any land or drain and all the requisite permissions were taken and granted by the concerned department and authorities before commencing the construction work and after getting the No Objection Certificate from the Irrigation & Water Resources Department, Haryana with no violation of any provision of Drain and Canal Act, the agreement was executed between the Respondent No 6 & 7.
5. That the contents of para No.5 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that the assertion that any actions by Respondent No.6 would lead to a reduction in the drain's width, causing overflow of rainwater and consequent harm to

Village Nangal Kalan or surrounding areas, is entirely speculative and unfounded and Respondent No.6 is only allowed to construct a road on existing left bank of diversion of Drain no. 8 and would not alter/damage/touch the section of Drain. It is denied that the Respondent No 6 is committed to ensuring that all operations comply with environmental and civic regulations and no activities have been undertaken that would jeopardize the safety or wellbeing of the public. It is denied that the removal or cutting of Tress is done on the instructions/Directions of the concerned Department of Haryana Government and Respondent No 6 has no involvement directly or indirectly as alleged.

6. That the contents of para No.6 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that the content of para 6 are wrong and hence denied. It is denied that the agreement dated 01.05.2024 is executed subject to the policy dated 25.07.2017 and allegations of collusion remain unsubstantiated. It is denied that the whole procedure whatsoever required was

fulfilled with utmost transparency including the Demarcation of Drain no. 8 by the Concerned Department of Haryana Government and therefore the agreement was executed and that there is no favour or conspiracy.

7. That the contents of para No.7 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that there is no credible evidence to substantiate the applicant's claims. It is denied that the agreement was duly executed in accordance with the established criteria, upon payment of the requisite fee, and after obtaining the necessary no objection certificate with total honesty and maximum clarity.
8. That the contents of para No.8 of the parawise reply needs no reply and the corresponding para of the application is reaffirmed as true and correct.
9. That the contents of para No.9 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true

and correct. It is denied that the concerned officials have carefully gone through each documents and events and did not find any deception and therefore the Respondent was allowed to construct the road.

10. That the contents of para No.10 of the parawise reply needs no reply and the corresponding para of the application is reaffirmed as true and correct.
11. That the contents of para No.11 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that the contents of para 11 are irrelevant to this matter and unrelated to the case at hand and further investigation is under progress and therefore needs no reply.
12. That the contents of para No.12 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that there is no such evidence available wherein such allegation can be entertained and no

encroachment has been done by the Respondent no 6 and nor caused any damage or altercation to the said Drain no 8

13. That the contents of para No.13 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that the Respondent No 6 is only concerned with the construction of 15 Mtr. wide road within right of way of Diversion Drain No. 8 from RD 25100 to 25900 left side at its own cost falling within the Revenue Estate of village Kundli, sector-58, Tehsil Rai & District Sonapat, Haryana subject to terms and conditions mentioned. It is denied that all the fundamental rights in respect of the channels land will remain with Irrigation & Water Resources Department and the ownership of channels land will remain with Irrigation & Water Resources Department only.
14. That the contents of para No.14 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that

no damage/alter/change has been to the Drain no 8 till date by the Respondent No 6 and nor allowed to do so as the road will be constructed on top portion of bank and thus there is no threat to the safety of the Drain and standard practices to construct road on existing bank of Drains or Canals for which similar permission have already been granted in public welfare throughout the State of Haryana and the allegation are without any basis and remain unsubstantiated.

15. That the contents of para No.15 of the parawise reply are wrong, false and fictitious, hence, the same are denied. The corresponding para of the application is reaffirmed as true and correct. It is denied that the Respondent No 7 acting on behalf of Governor of Haryana executed this agreement.
16. That the contents of para No.16 of the parawise reply needs no reply and the same is matter of record, However, the corresponding para of the original application is reaffirmed as true and correct.
17. That the contents of para No.17 of the parawise reply need no reply and the same is matter of record, However, the

corresponding para of the application is reaffirmed as true and correct.

REJOINDER TO GROUNDS:

1. That the contents of para 1 of reply to grounds are wrong, false and fictitious, hence, the same are denied. It is denied that there is no such encroachment or construction done by the Respondent No 6 in the Drain No 8 and therefore this is not relevant to the facts of the present case arising out of the factual matrix.
2. That the contents of para No.2 of reply to grounds need no reply, however, the corresponding para of the application is reaffirmed as true and correct.
3. That the contents of para No.3 of reply to grounds need no reply, however, the corresponding para of the application is reaffirmed as true and correct.
4. That the contents of para No.4 of reply to grounds need no reply, however, the corresponding para of the application is reaffirmed as true and correct.

5. That the contents of para 5 of reply to grounds are wrong, false and fictitious, hence, the same are denied. It is denied that purported application made under section 14 & 18 of National Green Tribunal Act, 2010, is beyond the scheme and purpose of the act as no substantial question relating to environment is set out in the entire application by the Applicant and no action is shown to cause environment pollution or damage.
6. That the contents of para 6 of reply to grounds are wrong, false and fictitious, hence, the same are denied. It is denied that case law relied by applicant titled as N.D. Jayal vs. Union of India is not relevant to the facts of the present case as the present case is related to the construction of a road which is granted by Government of Haryana after taking all necessary or requisite permissions.
7. That the contents of para 7 of reply to grounds are wrong, false and fictitious, hence, the same are denied. It is denied that case law relied by applicant titled as Indian Council for Enviro-Legal Action v. Union of India [1996 3 SCC 212] is not relevant to the facts of the present case and the judgment talks about the chemical factories who were causing severe Pollution

particularly through their discharge of untreated toxic effluents. It is denied that but in present case there is no such relation to pollution and therefore it is not relevant to the present matter.

REJOINDER TO INTERIM RELIEF

That reply to the interim relief sought by the Applicant herein is wrong, false and fictitious, hence, the same is denied. It is denied that the interim relief sought by the applicant is infructuous as there is no such alleged incident of encroachment or construction on the Drain is found and it is just a technique to delay the project and welfare of the people by the Applicant.

REJOINDER TO PRAYER:

Prayer clause (a), (b) and (c) of the reply is wrong, false and frivolous, hence, the same is denied.

PRAYER:

It is, therefore, most humbly prayed that the application/OA may be allowed as prayed for in the original application, in the interest of justice.

DELHI:

शिवचर
APPLICANT

DATED: .06.2025 THROUGH

Shiv Charan Garg

SHIV CHARAN GARG & ASSOCIATES
(IMRAN KHAN) ADVOCATES

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VERSUS

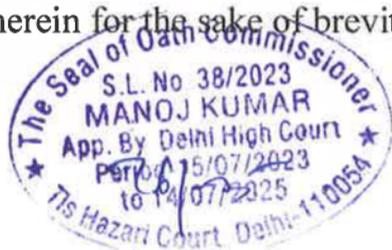
State of Haryana & Ors.

...Respondents

AFFIDAVIT

I, Omkar, S/o Shri Meghraj, R/o VPO Nangal Kalan, District Sonapat, Haryana, do hereby solemnly affirm and declare as under:-

1. That the deponent is the applicant in the above-noted O.A. and as such is well conversant with the facts and circumstances of the case and is competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder to the reply has been drafted by my Counsel under my instructions, the contents of which are true and correct to my knowledge and may be read as part and parcel of this affidavit, as the same are not being repeated herein for the sake of brevity.



अनोमकार
DEPONENT

VERIFICATION:

Verified at Delhi on this 09 JUN 2025 day of June, 2025, that the contents of Paras No. 1 & 2 of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Shri Charan Garg
(Adv)

अनोमकार
DEPONENT

Identify the deponent who
has signed in my presence



CERTIFIED THAT THE DEPONE
Shri/Smt./Km. अनोमकार
S/o W/o D/o. S/o Meghraj
P/o.....
Identified by Shri/Smt. S. C. Charan Garg
has solemnly affirmed before me at
Delhi on 09 JUN 2025 No. 76/25
that the contents of the Affidavit filed have
been read and explained to him and true and
correct to his knowledge

M
Oath Commissioner Delhi

09 JUN 2025

589



Shiv Charan Garg <shivcharangarg@gmail.com>

KISSAN UDEY SAMITI REJOINDER

1 message

Shiv Charan Garg <shivcharangarg@gmail.com>

Mon, Jun 9, 2025 at 5:25 PM

To: lokeshsinhaladv@gmail.com, xen.abby.hry@gmail.com, Xen-wsdel.irr@gov.in, info@tdiifracorp.com, Pradeep Singh <pradeep.mbe@gmail.com>, masterdata_rst@yahoo.co.in

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Regards,
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