

**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: 16.05.2025**

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DELHI:

APPLICANT

DATED: .05.2025 THROUGH

477



SHIV CHARAN GARG & ASSOCIATES  
(IMRAN KHAN) ADVOCATES  
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State of Haryana & Ors.

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**D.O.H: 16.05.2025**

**REJOINDER TO THE REPLY FILED BY RESPONDENTS**

**NO.4 & 7, BY AND ON BEHALF OF THE APPLICANT.**

Hon'ble Justice,

It is most respectfully submitted as under:-

**REPLY TO PRELIMINARY SUBMISSIONS AND**

**OBJECTIONS:**

1. That para No.1 of the preliminary submissions and objections is a matter of record.

2. That the contents of para No.2 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same are denied.
  
3. That para No.3 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same is denied. It is denied that State of Haryana came up with a Policy dated 25.07.2017 for considering the properties of private/government/public sector bodies/undertakings for allowing of construction of Road Bridges, Roads and laying of various utility lines across/along the canals/drains of irrigation and Water Resources Department, Haryana. It is denied that it may be noted that the said policy was published in the Gazette of Haryana Government on 08.08.2017 and prescribes the procedure to be followed while submitting the application and also while considering the same for approval.
  
4. That the contents of para No.4 of the preliminary submissions and objections are wrong, false and fictitious, hence, the same are denied. It is denied that M/s Design Promoters Pvt. Ltd. submitted an application in prescribed format to the Irrigation

& Water Resources Department, Haryana, it is also denied that after consideration of which, No Objection Certificate (NOC) was granted by the Govt. of Haryana vide Memo No. 11W-450008/54/2023 dated 28.12.2023 for construction of 15 Mtr. Wide road within right of way of Diversion Drain (DD) No.8 from RD 25100 to 25900 left side. It is further denied that accordingly, an agreement was executed on 01.05.2024 in terms of said Policy Guidelines of Govt. of Haryana dated 25.07.2017 and in terms of condition No.20 of permission letter issued by Govt. of Haryana. It is submitted that in response to this para, it is submitted that it shows collusion among M/s. Design Promoters (P) Ltd/respondent No.6 and respondent No.4 & 7. It is submitted that when no tender had been invited by the said respondent, the respondent No.6/ M/s. Design Promoters (P) Ltd could not submit an application and the same could not be allowed. It is apparent that no opportunity was given to other persons/Companies to take participation in the tender. It is also submitted that the straight away, respondent No.6 filed an application and the same was allowed by respondents No. 4 & 7. It is also submitted that the requisite permission is required by

the Government of State of Haryana from different Wings have not taken. Thus, the said NOC dated 28.12.2023 is a fabricated one. It is submitted that the application form submitted by the respondent No.6 has not been placed on record. It is also submitted that the respondents No.4 & 7 have not disclosed that which officials (including the designations) considered the application filed by the respondent No.6 and forwarded the same to the State of Haryana for necessary permission, hence, respondents No.4 & 7 may be directed to produce all the records before this Hon'ble Forum.

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 under this permission, the applicant has been allowed only to construct a road from RD 25100 to 25900/Left i.e. in a length of 800 feet on top of left bank of Diversion Drain No. 8 (DD No. 8). It is denied that no permission was accorded to alter the discharge of drain or to reduce its capacity in any manner. It is denied that it is a standard practice to construct road on top of banks of drains and

canals throughout the country for benefit of the citizen. It is denied that for example, large number roads are constructed in Haryana by various Departments i.e. PWD (B&R), HSAMB etc. on top of banks of Drains and Canals for providing smooth passage to the commuters. It is denied that further a road has been constructed on bank of Gang Canal by U.P. Irrigation Department and roads have been constructed on existing banks of Drains in Delhi for commuters. It is denied that permission in present case has been granted just to construct a road on existing bank of the canal. It is denied that it will strengthen the existing bank as erosion of earth due to rain water will stop and bank's width would not reduce. It is denied that therefore, it seems the applicant is unaware about this technical aspect and thus has submitted his contentions on account of non-knowledge about Policy guidelines of the Govt. and technical aspects of the matter. It is denied that it is totally incorrect on part of the applicant to raise allegations against officers of the Government/Department who are discharging their duties as per Govt. Policy. It is denied that it is wrong on part of the applicant

to make representations/complaints on basis of concocted twisted facts which are being made only to harass the officers.

It is submitted that it is apparent from the width of the Road adjoining with the canal/drain No.8 that the width of the drain has been reduced. It is submitted that at present the width of the road is 55 ft and ramp is 15 ft, though earlier, it was 25 ft and the width of the drain No.8 is 250 ft and earlier it was 300 ft, thus, the size of the width of the drain has been reduced and the respondents No.4 & 7 are playing with the rights of thousands of people and in this manner it is a case of attempt to murder/culpable Homicide of thousands of persons.

It is also submitted that when the illegal constructions/working over the drain was going on, the complaints were lodged to the concerned department as well as applications bearing I.A. No. 516/2014 dated 30.09.2024 & I.A. No. 45979 dated 28.10.2024 were filed before this Hon'ble Forum and copies were supplied to respondents no.4 & 7, however, they intentionally and deliberately avoided to take action due to having collusion with respondent no.6 and other

offenders. It is pertinent to mention here that the drain works were carried out by M/s Design Promoters Pvt. Ltd. and not by the respondent No.6 and same is evident from the agreement dated 01.05.2024. It is submitted that the applicant reserves its rights to file appropriate complaint against the respondents No.4 & 7 to the Directorate of Vigilance and the Director General of Police for necessary arrest of the concerned and erring officials. It is also submitted that the applicant is filing a separate application for appointment of Local Commissioner to check the width of the drain. It is also submitted that the act and conduct of the respondents No.4 & 7 is apparent in violation of Section 17/58 of The Haryana Canal and Drainage Act and it is duly mentioned in para 19 and 20 of the Original Application.

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 department has acted only in accordance with Govt. Policy and has not altered with design of the Division Drain No.8 in any manner and the permission has not altered with dimensions, section and carrying capacity/ discharge of Drain. It is also denied that the Department has not

damaged environment in any manner. It is denied that the applicant has failed to state in pleadings that which provision of the Acts enumerated in Schedule I of the NGT Act, 2010 has been violated. It is denied that the applicants are trying to place twisted, concocted and imaginary facts and are trying to mislead this Hon'ble Court. It is denied that therefore, the original application deserves to be dismissed being devoid of merit. It is submitted that the provisions which have been violated are duly mentioned in para 19, 20 and 22 of the 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”

**REJOINDER ON MERITS:**

1. That para No.1 of the reply needs no reply, so far as the admissions regarding the contents of the corresponding para are made, however, the remaining contents of para 1 of reply are wrong, false and fictitious, hence the same is denied 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, so far as the admissions regarding the contents of the corresponding para are made, however, the remaining contents of para 2 of reply are wrong, false and fictitious, hence the same is denied 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 agreement was made as per Government Policy dated 25.07.2017. 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 no section of the drain has been encroached in any manner and no demolition has been done. The corresponding para of the application is reaffirmed as true and correct.
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 in foregoing paras it is reiterated that under this permission dated 28.12.2023 construct of only road has been allowed from RD 25100 to 25900/Left i.e. in a length of 800 feet on top of left bank of Diversion Drain no.8 (DD No.8). It is denied that no permission was accorded to after the discharge of drain or to reduce its capacity in any manner. It is denied that it is a standard practice to construct road on top of banks of drains and canals throughout the country for benefit of the citizen. It is denied that for example large number roads are constructed in Haryana by various

Departments i.e. PWD(B&R) HSAMB etc. on top of banks of Drains and Canals for providing smooth passage to the commuters and a road has been constructed on bank of Gang Canal by U.P. Irrigation Department and roads have been constructed on existing banks of Drains in Delhi for commuters. It is also denied that no tree is allowed to be grown on banks of the drains and canals as its roots weaken the bank and can cause potential damage to the earthwork resulting into breach of the Canal or Drain. It is denied that hence, permission in this case has been granted just to construct a road on existing bank of the canal. It is denied that it will rather strengthen the existing bank as erosion of earth due to rain water will stop and Bank width would not reduce. It is denied that therefore, it seems the applicant is unaware about this technical aspect and thus has submitted his contentions on account of non-knowledge about policy guidelines of the Govt. and technical/aspects of the matter. It is denied that it is totally incorrect on the part of the applicant to raise allegations against officers of the Government/Department who are discharging their duties as

per Govt. Policy. It is denied that it is wrong on the part of the applicant to make representations on basis of concocted and twisted facts which are being made only to harass the officers.

It is submitted that the said permission has for construction of the aforesaid road on the bank of the drain has been given to a private company which happens to be the developer of various housing projects in the area, thus, the road has not been constructed for the benefit of the citizens but to be used as private property by the said company. It is also submitted that the said developers have installed a gate on the said road and have stationed their guards thus, restricting the access of the public hence, the intention from the very beginning was not for the benefit of the citizens but only of the residents of the housing societies. Insofar, as the trees are concerned the applicant has duly annexed photographs along with the Original Application to show that numerous trees have been felled in the process of

construction of the said road. Copy of photograph of the gate installed on the road is enclosed as **ANNEXURE-A1**.

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 allegations made in para No.6 of the OA are baseless and strongly denied and said agreement dated 01.05.2024 has been executed in terms of Annexure-A of said policy Guidelines of Govt. of Haryana dated 25.07.2017 and in terms of condition No.20 of permission letter issued by Govt. of Haryana. It is denied that structure stability certificate, Design Drawing Specifications are being asked in case of construction/erection of any structure and not in case of only road construction.
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 allegations made in para No.7 of the OA are baseless and strongly denied and said agreement

dated 01.05.2024 has been executed in terms of Annexure-A of said policy Guidelines of Govt. of Haryana dated 25.07.2017 and in terms of condition No. 20 of permission letter issued by Govt. of Haryana. It is denied that the contents of preliminary submissions are being reiterated.

8. That the contents of para No.8 of the parawise reply are admitted so far as the filing of the Civil Suit is concerned, however, 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 no action as solicited by applicant was warranted on the part of officials of Irrigation Department. It is denied that the contents of preliminary submissions are being reiterated.
10. That the contents of para No.10 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 order dated 15.07.2022 passed in OA No. 784/2018 is not relevant in present issue raised by the applicant in present OA. It is denied that the contents of preliminary submissions are being reiterated.

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 allegations of collusion against the respondent No.7 are baseless and liable to be rejected. It is denied that the contents of preliminary submissions are being reiterated.
  
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 agreement dated 01.05.2024 has been executed in terms of Annexure-A of said policy Guidelines of Govt. of Haryana dated 25.07.2017 and in terms of condition No. 20 of permission letter issued by

Govt. of Haryana. It is denied that it is incorrect that there is encroachment upon the public land, felling of tree and interfere in the way of drain. It is denied that answering respondents crave liberty to refer contents of permission and agreement mentioned in foregoing paras. It is denied that the contents of preliminary submissions are being reiterated.

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 no amount is payable by the Irrigation Department as alleged in OA. It is reaffirmed that the company has been permitted to encroach over any portion of DD No. 8. It is denied that permission has been granted only to construct road over bank. It is denied that answering respondents crave liberty to refer contents of permission and agreement mentioned in foregoing paras. It is denied that the contents of preliminary submissions are being reiterated.
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 as explained in detail in foregoing paras and no water line and public lands have been encroached. It is denied that the contents of preliminary submissions are being reiterated.

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 agreement has been executed as per Annexure-A of Govt. of Haryana policy dated 25.07.2017 and in terms of condition No.20 of Govt. approved letter dated 28.12.2023. It is denied that, hence, action has been taken as per Government's approval and no irregularity has occurred on this account.
16. That the contents of para No.16 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 representations have been made on different imaginary and concocted grounds and have no

relevance to instant case. It is denied that the contention has been made by the applicant just to misguide this Hon'ble Tribunal. It is denied that the contents of preliminary submissions are being reiterated.

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:**

That the contents of para of reply to grounds are wrong, false and fictitious, hence, the same are denied. It is denied that in view of the submissions made herein above, it is submitted that no ground is made out to file the present OA under Section 14 of the NGT Act, 2010. It is denied that the grounds raised by the applicant are illogical, irrelevant, frivolous, misconceived and liable to be rejected. The corresponding para of the application are reaffirmed as true and correct.

**REJOINDER TO PRAYER:**

Prayer clause of the reply is wrong, false and frivolous, hence, the same is denied. It is denied that the prayer of the applicant may be rejected and present OA may be dismissed as the same is devoid of merit.

**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:

APPLICANT

DATED: 7.05.2025 THROUGH



SHIV CHARAN GARG & ASSOCIATES  
(IMRAN KHAN) ADVOCATES  
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**IN THE MATTER OF:**

Kissan Udey Samiti

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...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.



ओमकार  
DEPONENT

VERIFICATION:

09 MAY 2025

Verified at Delhi on this \_\_\_ day of May, 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 Chalam Eagle  
(Adv)  
Identify the Deponent who has signed in my Presence

ओमकार  
DEPONENT



CERTIFIED THAT THE DEPONENT  
Sh./Smt./Km..... Age.....  
S/o, W/o, D/o, Sh.....  
R/o .....  
Identified by .....  
has signed .....  
Oath Commissioner, Delhi  
that the contents of the affidavit have been read & explained to the deponent and are true & correct to his/her knowledge.

Oath Commissioner, Delhi

09 MAY 2025

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

**I.A. NO. \_\_\_\_/2025**

**IN**

**O.A NO. 1248/2024**

**IN THE MATTER OF:**

Kissan Udey Samiti

...Petitioner

**VERSUS**

State of Haryana & Ors.

...Respondents

**APPLICATION UNDER SECTION 151 OF THE CODE OF  
CIVIL PROCEDURE, 1908, FOR DIRECTION TO  
IRRIGATION DEPARTMENT TO SUBMIT ENTIRE RECORD  
INCLUDING APPLICATION FORM SUBMITTED BY M/S  
DESIGN PROMOTERS PVT. LTD. AND SUPPLYING COPY  
OF ONE SET TO APPLICANT, BY AND ON BEHALF OF THE  
APPLICANT.**

Hon'ble Justice,

It is most respectfully submitted as under:-

1. That the captioned Original Application is pending for adjudication before this Hon'ble Tribunal.

2. That the respondents No. 4 and 7 has filed their reply to the captioned original application and have relied upon a number of documents to substantiate their case, however, the said respondents have failed to file the entire documents along with the reply which necessary for the adjudication of the case.
3. That the documents relied upon by the respondents No. 4 and 7 which they have not annexed with the reply are as follows:
  - A. Invitation for tender for construction of road on Drain No. 8
  - B. Application submitted by M/s Design Promoters Pvt. Ltd.
4. That the above-mentioned documents are vital for the adjudication of the OA, hence, respondents No. 4 and 7 may be directed to file the same and supply a copy to the applicant.

#### **PRAYER**

It is, therefore, most humbly prayed that respondents No.4 and 7 may be directed to file the entire set of documents before this Hon'ble Tribunal and supply a copy of the same to the applicant, in the interest of justice.

DELHI:

अभिलेख  
APPLICANT

DATED: 7.05.2025 THROUGH

Shiv Charan Garg

SHIV CHARAN GARG & ASSOCIATES  
(IMRAN KHAN) ADVOCATES  
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State of Haryana & Ors.

...Respondents

**AFFIDAVIT**

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

1. That the deponent is the authorized representative of 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 application under Section  
151 of the Code of Civil Procedure, 1908, for direction to Irrigation  
Department to submit entire record including application form

submitted by M/s Design Promoters Pvt. Ltd. and supplying copy of



one set to applicant 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.

*ओमकार*  
DEPONENT

VERIFICATION: 09 MAY 2025

Verified at Delhi on this \_\_\_ day of May, 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

*Shiv Chalam Garg*  
*Adv.*  
I Identify the Deponent who has Signed in my Presence

*ओमकार*  
DEPONENT



CERTIFIED THAT THE DEPONENT  
Sh./Smt./Km. *Manoj Kumar*  
S/o, W/o, D/o, Sh. *Manoj Kumar*  
R/o *Manoj Kumar*  
Identified by *Shiv Chalam Garg*  
has signed *Manoj Kumar*  
on *09/05/2025*  
that the contents *16*  
been read & explained *Manoj Kumar*  
& correct to his/her knowledge *Manoj Kumar*  
Oath Commissioner, Delhi

09 MAY 2025

507



Shiv Charan Garg <shivcharangarg@gmail.com>

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## KISSAN UDEY SAMITI

1 message

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**Shiv Charan Garg** <shivcharangarg@gmail.com>

Fri, May 9, 2025 at 7:16 PM

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

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Regards,  
Shiv Charan Garg & Associates  
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