

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

[Under Sections 18(1) read with Sections 14 & 15 of the National
Green Tribunal Act, 2010]

EXECUTION APPLICATION NO. 48 OF 2025

IN

ORIGINAL APPLICATION NO. 280 OF 2025

IN THE MATTER OF:-

Mokshi Bhardwaj

... Applicant

Versus.

Union of India & Ors.

... Respondents

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New Delhi

DATED: 5/1/25

[VISHWENDRA VERMA] & [SHIVALI]

Advocates for the Applicants

UB-33, IndraPrakash Building,

Barakhamba Road,

New Delhi

09871704611

verma.vishwendra@yahoo.co.in

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**REJOINDER BY THE APPLICANT TO THE REPLY FILED BY
THE RESPONDENT NO.12.**

MOST RESPECTFULLY SHOWETH,

PRELIMINARY SUBMISSIONS :

THE RESPONDENT SCHOOL IS USING THE BORE WELL AND EXTRACTING WATER FROM THE GROUND RESOURCES AND USING THE SAME IN THE SWIMMING POOL (WHICH IS A COMMERCIAL ACTIVITY OF THE SCHOOL) AND ALSO USING REGULAR SUPPLY I.E. MUNICIPAL SUPPLY (GANGA JAL) WATER AS WELL AS GROUND WATER FOR THE PURPOSE OF CONSTRUCTION BUT SMT. SRISHTI JAISWAL EVEN AFTER RECOGNISING THE SAME NO ACTION HAVE BEEN TAKEN BY HER AGAINST THE SCHOOL. THE ENTIRE RESIDENTS OF THE LOCALITY AND OF THE GHAZIABAD ALSO SUFFERING BECAUSE THEY ARE NOT HAVING WATER TO DRINK BUT THE SAID OFFICER SMT JAISWAL ALLOWED THE SCHOOL TO USE THE SAME FOR THE PURPOSE OF CONSTRUCTION.

A. PROHIBITION ON USE OF GROUND WATER FOR CONSTRUCTION



One of the critical provisions under these laws is the prohibition of using groundwater for construction purposes, especially in areas where groundwater is salty or brackish. The extraction of groundwater in such zones is not only illegal but also poses serious structural risks to the buildings being constructed.

As per the scientific studies the salty or brackish groundwater which is having high TDS alkaline in nature can significantly deteriorate the quality of concrete and the construction materials, leading to corrosion which reduce the compressive strength, and long-term degradation in the construction. There are various examples which proves that due the said reasons several building collapsed and the entire structure becomes unsafe, potentially causing building collapse. The flyover collapsed recently in Bihar due to the said reasons. Due to the presence of salt in the water, the concrete mix used becomes chemically unstable. After a few years of use, the structure begins to show signs of cracking, dampness, and spalling of concrete (chipping off of concrete surfaces). Eventually, a structural audit reveals that the building's strength is compromised, putting the lives of hundreds of students and staff at risk.

IN SUCH A CASE, THE BUILDER AND THE APPROVING AUTHORITIES (LIKE GDA) COULD BE HELD LEGALLY ACCOUNTABLE FOR NEGLIGENCE, AND THE SCHOOL MIGHT BE SHUT DOWN FOR SAFETY REASONS. BUT AT PRESENT WHEN THE PETITIONER BEING A SOCIAL WORKER TRYING HER LEVEL BEST TO STOP ALL ILLEGAL ACTIVITIES, THE ENTIRE ADMINISTRATION IS LIKE A MOOT SPECTATOR AND NOT HEEDING ON HER REQUEST



B. RESPONSIBILITY OF MONITORING AUTHORITIES

The onus of ensuring the rules which are strictly to be followed by the Ghaziabad Development Authority (GDA) and the District Administration Ghaziabad. Their responsibilities include:

- Verifying that water tankers (sourced legally from safe water sources) are used during construction instead of illegal groundwater extraction.
- Conducting regular inspections and audits, particularly for public buildings like schools, where the safety of children and the general public is at stake.
- Ensuring that environmental consents are obtained and documented before issuing building approvals or occupation certificates.

THE HON'BLE SUPREME COURT OF INDIA AND THE NGT PRECEDENTS

The Supreme Court of India has repeatedly emphasized the "polluter pays" principle and upheld stringent penalties against violators. Notable decisions include:

- Goel Ganga Developers V. Union of India (2018) – The Hon'ble Supreme Court of India imposed Rs.100 crore penalty for construction without Environmental Clearance.
- Vellore Citizens' Welfare Forum Vs. Union of India (1996) – Recognized the importance of sustainable development and enforced strict action against polluters.



- MC Mehta v. Union of India (Delhi Vehicular Pollution case) – Reiterated that the right to clean air is a Fundamental Right under Article 21 of the Constitution of India.

It is evident that the School Authorities' are not only violating statutory obligations but also the constitutional right to life and health of thousands and even also violating Hon'ble Supreme Court of India's & NGT directions.

It is submitted that did not stated a single word about compliance of the order passed by this Hon'ble Tribunal on 30.05.2025

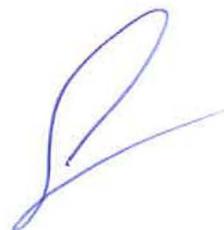
PARAWISE REPLY TO THE REPLY FILED BY THE RESPONDENT No.12 :

1. That the contents of para 1 of the reply filed by the respondent No.12 need no comments but no documents of authorisation filed by the respondent No.12 herein.
2. That the contents of para 2 of the reply filed by the respondent No.12 need no comments.
3. That the contents of para 3 of the reply filed by the respondent No.12 need no comments, as the same is an admitted fact by the respondent. It is nowhere stated that what actions have been taken against the erring respondents.
4. That the contents of para 4 of the reply filed by the respondent No.12 need no comments, as the same are only narration/correspondence of the documents which was received by the respondent no. 12.

5. That the contents of para 5 of the reply filed by the respondent No.12 need no comments, as the same is about only inspection conducted by the respondent no.12. It is submitted that the GWD, Ghaziabad has served a notice to the respondent school i.e. Respondent No 11, IT IS SUBMITTED THAT THE RESPONDENT SCHOOL/SCHOOL AUTHORITIES ARE THE VIOLATOR AND HAVE ALWAYS TAKEN LAW IN THEIR HAND INSPITE BEING ONE OF THE PRIME EDUCATION INSTITUTE OF GHAZIABAD/NCR, in response to which the school submitted a reply almost a month later, containing false information and misleading data, with the apparent intent to mislead the Department and to continue the ongoing violations causing harm to the environment.

THE SUB- PARAWISE REPLY IS AS UNDER :

- (i) The respondent GWD stated that they have served first notice on 14.05.2025 to the Respondent No 11 i.e. violator school, the school authorities categorically denied the existence of any bore wells within the school premises and any instance of illegal groundwater abstraction. However, during a surprise inspection conducted by the officers of the Ground Water Department along with the Nodal Officer, Smt. Srishti Jaiswal, following numerous complaints by the applicant AND THE APPLICANT CAME TO KNOW WHEN CONTACTED WITH THE GWD THAT THE SAID OFFICER SMT. SRISHTI JAISWAL CONNIEVED HANDS



WITH THE SCHOOL FOR THE BEST KNOWN TO HER, the authorities found two operational bore wells and one defunct bore well within the premises. This clearly indicates the mala fide intent of the violator school authorities and highlights the serious environmental harm being caused through excessive extraction of groundwater in a notified area already facing acute scarcity, as per Government records. It is also clear that the officials are not discharging their duties efficiently and without any approval the bore wells are working and extracting water and causing loss to the national resources.

IT IS NOTEWORTHY TO MENTION HERE THAT THE APPLICANT TRIED TO MEET THE SAID OFFICER WHEN SHE WAS CALLED BY THE SAID DEPARTMENT TELEPHONICALLY AND SHE ALSO CONTACTED THE APPLICANT TO WITHDRAW THE COMPLAINT. EVEN SMT SRISHTI JAISWAL CALLED THE COUNSEL OF THE APPLICANT.... SMT SRISHTI JAISWAL SPECIFICALLY CALLED THE APPLICANT AND TOLD HER THAT SHE MADE A FALSE COMPLAINT AGASINT THE SCHOOL WHILE THE REPORT IS AFFIRMING THE ALLEGATIONS OF THE APPLICANT. SMT SRISHTI JAISWAL HAVE SOME VESTED INTEREST IN THE MATTER WITH THE SCHOOL, FOR WHICH THE APPLICANT SHALL TAKE APPROPRIATE REMEDY INACCORDANCE WITH LAW.

- (ii) The School authorities informed and the same was examined and approved by the answering respondent that the Ground Water Department (GWD) that the violator school is using *municipal water supply (Ganga Jal)*, which is being stored in tanks for construction purposes. The school has also submitted two bills



showing the purchase of water through private tankers for construction activities. It is noteworthy to mention that the violator school has not clarified *“under whose authority or with what permission it has been allowed to use municipal water supply, i.e., Ganga Jal, for construction purposes.”* The said Ganga Jal is already in short supply in the area and is meant exclusively for drinking and domestic use due to its limited availability. The use of municipal water supply for commercial or construction purposes, therefore, raises serious concerns and appears to be in violation of applicable norms. The school being violated commenced its construction activities in September 2024. However, the bills for the purchase of water through tankers have only been submitted for the months of June and July 2025, totalling merely 70,000 litres. Considering the extensive area of construction, the quantity of water required would have been significantly higher. The data provided by the violator school itself clearly indicates discrepancies and reflects mala fide intent.

The bills submitted by the violator school appear to be false and misleading. In this regard, the applicant has already filed a complaint with the GST Department to verify the authenticity of the said bills. The applicant has also requested the GWD to obtain the corresponding payment receipts and bank reconciliation statements, as per GST law, which prohibits any registered vendor from making or accepting payments of Rs.10,000 or above in



cash. Such transactions constitute a punishable offense under the applicable provisions.

It is further submitted that the Ground Water Department (GWD) has also accepted that the school is not using groundwater for construction purposes, as the bore wells found within the premises were located outside the construction area. This circumstance, however, appears unusual and raises serious doubts regarding the impartiality of the inspection. The situation itself indicates possible connivance or negligence on the part of the concerned GWD officials in favour of the violator school.

SMT. SRISHTI JAISWAL IN COLLUSION WITH THE SCHOOL AS PER THE SUBMITTED REPLY WHICH SHALL INDICATE AT THE TIME OF ARGUMENTS AND SO CALLED COMPLIANCE SHOWN BY THE RESPONDENT IN HER REPLY IN RESPECT OF EXECUTION PETITION.

6. That the contents of para 6 of the reply filed by the respondent No.12 need no comments. It is submitted the respondent only narrated certain documents which are the provisions and conversation with School. As the Ground Water Department (GWD) has issued a show-cause notice to the violator school, granting a period of 15 days to apply for a No Objection Certificate (NOC), with a stipulation that failure to comply within the given time frame would attract penal action. Subsequently, the violator school informed the Department about the submission of its NOC application. It is noteworthy that the GWD provided the



violator school an opportunity to regularize its operations so that the abstraction of groundwater may continue legally as per the prescribed norms. While this step towards compliance is appreciated, it remains unclear why the GWD has not imposed any fine or penalty retrospectively for the period during which the violator School had been abstracting precious groundwater in significant quantities without authorization i.e. Year 1985-2025. Such inaction on the part of the GWD raises a serious question regarding the transparency of its conduct and the intent behind its enforcement measures.

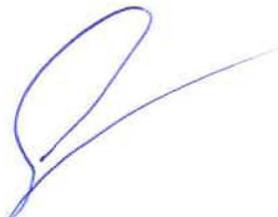
7. That the contents of para 7 of the reply filed by the respondent No.12 need no comments, as the Ground Water Department (GWD) has once again inspected the violator school and verified the documents attached to its NOC application. However, despite the evident irregularities, the violator school, in connivance with the nodal officer, Smt. Srishti Jaiswal, continues to remain silent, reflecting a clear mala fide intent motive of her. It is pertinent to mention that the violator school has falsely declared in its application that it operates for 180 annual working days. This statement is contrary to the rules prescribed by the CBSE, which mandate a minimum of 220 working days in an academic session. Furthermore, even during the remaining 140 days of the year, the basic requirements of water for sanitation, cleanliness, and horticultural activities continue to exist. This fact clearly indicates that the data submitted by the school regarding



its water usage is misleading and incorrect. The Judgement was to be comply within stipulated time as granted by this Hon'ble Court.

The water consumption mentioned in the application form is comparatively lesser than its actual as actual is significantly higher which could only be possible with the connivance or negligence of the concerned officials. It is also submitted that these facts have already been reported by the applicant through various complaints and RTI applications to the GWD and the District Magistrate, yet no action has been taken so far.

8. That the contents of para 8 of the reply filed by the respondent No.12 are wrong, false and hence the same are denied. It is submitted that the respondent, specifically the Nodal Officer Smt Srishti Jaiswal is trying to save the erring Respondent No 11 i.e. The Violator School.
9. That the contents of para 9 of the reply filed by the respondent No.12 need no comments, It is submitted that the violator school has continued its practice of misrepresenting data and facts by obtaining MSME registration in the name of *M/s Bal Bharati Public School* instead of *Child Education Society*. This act amounts to deliberate misrepresentation and constitutes a clear case of cheating and impersonation of facts.
10. That the contents of para 10 of the reply filed by the respondent No.12 need no comments, It is submitted that the Ground Water Department (GWD) has imposed a



penalty of Rs.4,00,000/- following the rejection of the application, with a direction to deposit the same within one month. Simultaneously, a notice was issued to re-apply for the No Objection Certificate (NOC) with the requisite documents. It is pertinent to mention here that the GWD has remained silent and has taken no further action in the matter, despite the lapse of more than 45 days since the imposition of the penalty, thereby indicating a lenient or indifferent approach towards the recovery proceedings.

11. That the contents of para 11 of the reply filed by the respondent No.12 are wrong, false and hence the same are denied.

PRAYER

It is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Direct the respondent to comply with the directions of this Hon'ble Tribunal.
- b) Direct the respondent to immediately seal the illegal Bore Wells.
- (c) Direct the respondent authorities to appear in person before the Hon'ble Tribunal and state reasons why they have not complied with the directions issued by this Hon'ble Court.
- (d) Impose penalty upon the erring Authorities for deliberate violation of directions issued by this Hon'ble Tribunal.



Pass any such order, as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

*Moksh
Bhardwaj*

Signature of the Applicants

NEW DELHI

DATED: 5/11/25

[Vishwendra Verma] & *[Shivali]*

Advocate for the Applicants
UB-33, Indra Prakash Building,
Barakhamba Road,
New Delhi
09871704611
verma.vishwendra@yahoo.co.in

[Signature]

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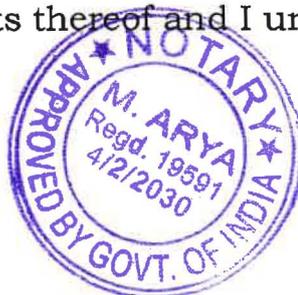
Union of India & Ors.

... Respondents

AFFIDAVIT

I, MOKSHI BHARDWAJ, D/o Shri Kali Charan, Aged about 30 years, R/o Block D, Tower 6, GH 07, Crossing Republic Ghaziabad, Presently at New Delhi do hereby solemnly affirm and state as under-

1. That I am the Applicant in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear this affidavit.
2. That the contents of the accompanying rejoinder have been drafted by my counsel as per instructions and I have been read over the contents thereof and I understood the same.



3. That the contents of the rejoinder are read over to me in vernacular and the contents of the same are true and correct to the best of my knowledge and belief.

Moksh
Bardwaj

DEPONENT

VERIFICATION:

Verified at Delhi on this the ⁵ day of ^{NOV} nov 2025 that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed therefrom.

Moksh
Bardwaj

DEPONENT



ATTESTED

NOTARY PUBLIC

5 NOV 2025

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15

REJOINDER FOR Respondent-12 GWD

From: Vishwendra Verma (verma.vishwendra@yahoo.co.in)

To: mefcc@gov.in; moef@nic.in; ya.rao@nic.in; dmgha@nic.in; gdagzb@gmail.com; secgda@gmail.com; gzb.nagar.nigam@gmail.com; chairman@uppcb.in; ms@uppcb.in; roghaziabad@uppcb.in; ccb.cpcb@nic.in; cdo.gz-up@nic.in; upgwd.in@gmail.com; srishti.9192@gmail.com; ceo1@uppcb.in; ctpgzb@gmail.com; asgdaofficial@gmail.com; gda.enfo.z7@gmail.com; ghaziabad.bsa@gmail.com; dios.gzb@gmail.com; chmn-cbse@nic.in; secy-cbse@nic.in; info.cbse@gov.in; cpcaqm-moefcc@gov.in; arvind.nautiyal@gov.in; cd2ghaziabad@gmail.com; psmigoup2016@gmail.com; upgwd.atal@gmail.com; atal-jal@gov.in

Date: Wednesday 5 November, 2025 at 05:00 pm IST

Dear Sir/Mam

PFA the filed Rejoinder for the reply filed by the Respondent No 12 GWD.
NEXT DATE OF HEARING IS 18.12.2025

Thanking you,

Warm Regards,

Vishwendra Verma
Advocate

M/s. NSV LAW ASSOCIATES

Advocates, Solicitors & Consultants

UB-33, IndraPrakash Building
21, Barakhamba Road, Connaught Place,
New Delhi 110 001 (INDIA)
Tel: +91 9871704611, 7683073187



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