

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL
BENCH, BHOPAL

ORIGINAL APPLICATION NO. 90 OF 2024

IN THE MATTER OF

Amit Kumar & Anr.Applicants

VERSUS

Union of India & Ors.Respondents

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Filed by:



Amit Kumar

Dated: 08.09.2024

report in Para 7 of the Original Application renders the petition time-barred is entirely misplaced, lacks merit and is an attempt to mislead this Hon'ble Tribunal. That the environmental damage caused by the actions of the respondents, including the **degradation of the Sota River and encroachments upon its riverbed, is of a continuous and ongoing nature**, and therefore, the application falls well within the permissible time limits prescribed under the *NGT Act 2010*. The Respondent No. 9 merely attempted to confine the **ongoing Environmental violations**, a fixed time frame. It is submitted that the continuing cause of action doctrine applies in cases of ongoing environmental degradation, where the harm is continuous, and the effects are being felt presently and will continue to worsen unless corrective measures are taken. **Hence, the claim of the petition being barred by limitation under Section 14 and 15 of the NGT Act is untenable**, as the ongoing harm to the Sota River and its ecosystem justifies the present action before this Hon'ble Tribunal.

7. That in response to the content of Para 5, it is submitted that the claims regarding the setting apart of land by the District Collector under Section 92 of the *Land Revenue Act, 1956*, lacks sufficient material/documentation evidence. Although the Respondent has referenced office order No. R-18B(9)1992/I/15381 dated 26.11.1992, no documentary proof, including the office order itself, the relevant maps, or any other government notifications, has been provided to substantiate the claim. That even if, for the sake of argument, it is assumed that Respondent No. 9 acquired the land in 1992, **there is no material on record to establish the status of the land prior to 1992**. The critical question remains whether this land was part of the Sota Riverbed before its acquisition, which directly affects the legality of its current use for industrial purposes.

It is pertinent to mention here that the Respondent No. 9 has failed to provide any details whether any Environmental Impact Assessments (EIA) were conducted before the establishment of the Respondent No. 9 on the said land in question.

8. That the contents of Para 6, 7, 8, and 9 do not need a response.
9. That the assertion made by the Respondent No. 9 in Para 10 regarding the grounds mentioned in Paras 16 to 19 of the Original Application being devoid of merit is unfounded. The Joint Committee's report, dated 08.08.2024, clearly identified ongoing issues related to environmental degradation, illegal activities, and encroachments, thus validating the concerns raised in the petition. The findings of the Joint Committee, as well as the content of the applicant's objections dated 08.09.2024, may be taken as part and parcel of the response here and are not repeated for the sake of brevity.
10. That in response to the limitation argument raised in Para 11, it is reiterated that the environmental harm caused by the Respondent's activities, including the degradation of the Sota River, is ongoing and continuous. Therefore, the doctrine of continuing cause of action applies, as the damage persists and continues to affect the ecosystem and surrounding communities. The content of Para 6 of this instant reply, the findings of the Joint Committee, and the applicant's objections may be taken as part and parcel of the response here and are not repeated for the sake of brevity.
11. That the contents of Para 12 do not need a reply.

Hence, the applicant respectfully prays that this Hon'ble Tribunal kindly take the applicant's response on record and pass any further orders or directions as may be deemed just and appropriate in the interest of justice.

Filed by:



Amit Kumar

Dated: 08.09.2024