

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

## WESTERN ZONE BENCH AT PUNE

## ORIGINAL APPLICATION NO. 11 OF 2026

**IN THE MATTER OF:**

Surti Mohammed Irfan

...APPLICANT

Versus

M/s N.H.H. Textile Processors and Ors.

...RESPONDENT

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## THROUGH

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Place: Pune

Date: 01 JUN 2026

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****WESTERN ZONE BENCH AT PUNE****ORIGINAL APPLICATION NO. 11 OF 2026****IN THE MATTER OF:**

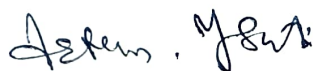
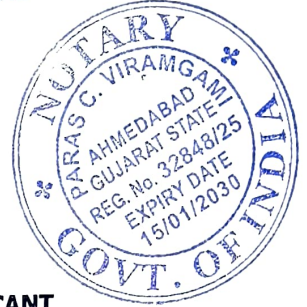
Surti Mohammed Irfan

**...APPLICANT****Versus**

M/s N.H.H. Textile Processors and Ors.

**...RESPONDENT****REJOINDER ON BEHALF OF THE APPLICANT TO AFFIDAVIT-IN-REPLY DATED  
21.04.2026 FILED BY RESPONDENT NO. 5 and 6**

1. It is submitted that the present application has been filed under Section 18(1) read with Section 14 and 15 of the National Green Tribunal Act, 2010 raising the substantial question regarding illegal extraction of ground water and non-compliance with mandated environmental regulations by Respondent No. 1 M/s N.H.H. Textile Processors in operation of cloth processing unit (hereinafter referred to as the 'impugned industrial unit') located in Behrampura region, Ahmedabad.
2. That vide Order dated 9.02.2026, this Hon'ble Tribunal was pleased to issue notices to all Respondents, and accordingly directed them to place their Reply-Affidavits within four weeks thereafter. In pursuance of the said order dated 9.02.2026, Respondent No. 5 and 6 has filed an Affidavit-in-Reply dated 21.04.2026, in response to the submissions made in the present Application.
3. At the outset, the Applicant denies each and every averment and conclusion made in said Affidavit which is contrary to and/or inconsistent with what has been submitted on record in the present Application. Furthermore, nothing stated in the present Rejoinder on behalf of the Applicant shall be construed as an admission for the want of any specific and para-wise denial or non-traverse unless and until the same is specifically admitted hereinafter.

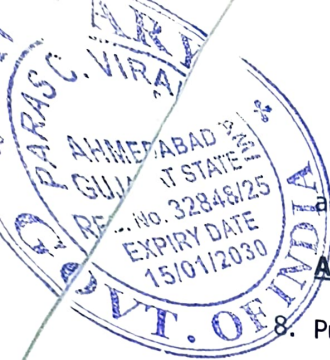


4. It is submitted that Respondent No. 5, the Central Ground Water Authority, has in its Affidavit-in-Reply sought to portray itself as a diligent regulatory authority that has discharged all its obligations under the law. The Applicant submits that this portrayal is wholly incorrect, misleading, and contrary to the documentary record before this Hon'ble Tribunal. The conduct of Respondent Nos. 5 and 6 in the present matter is afflicted by two independent and serious failures — first, the erroneous and legally unsustainable grant of NOC dated 05.03.2026 to Respondent No. 1 without conducting the mandatory verification of statutory records as required under the Standard Operating Procedure issued by the Ministry of Jal Shakti in May 2023; second, the arbitrariness in computing the Environmental Compensation in Invoice dated 24.02.2026 on an incorrect and artificially reduced abstraction quantum. Each of these failures is addressed herein below in sequence.

**I. FAILURE OF RESPONDENT NO.5 AND 6 TO EXERCISE STATUTORY DUE DILIGENCE WHILE GRANTING NOC TO RESPONDENT NO.1**

5. As per the Standard Operating Procedure issued by the Ministry of Jal Shakti (**ANNEXURE A-32, Pg. 457, relevant Pg. 468**), a mandatory checklist is required to be verified at the stage of processing an application for grant of NOC, which specifically includes verification of statutory documents such as CTE, CTO, or CCA issued by the GPCB.
6. CGWB has issued the NOC to Project Proponent dated 05.03.2026, wherein the Quantum mentioned is  $18\text{m}^3/\text{day}$  (18KLD) which is *ex facie* erroneous and not in consonance with the actual water requirement and statutory records of the impugned industrial unit, which has been specified as 22 KLD across documents.
7. It is pertinent to note that the Project Proponent, i.e., Respondent No. 1, had filed an application dated 09.05.2022 seeking amendment in Consent to Establish (CTE), wherein, in its own water balance diagram, it categorically disclosed that the total industrial water requirement would be met through 22 KLD of fresh water and 48 KLD of recycled water under the proposed Zero Liquid Discharge (ZLD) system. A copy of application filed by Respondent No. 1 seeking the

*John. Y. Sub:*



amendment in the CTE dated 09.05.2022 is annexed and marked as

**ANNEXURE A-28 (Pg. 438, relevant Pg. 440)**

8. Pursuant thereto, the GPCB granted CTE Amendment vide letter dated 20.07.2022, valid till 31.05.2029, wherein the same water consumption pattern was expressly approved and mandated, clearly stipulating fresh water requirement of 22 KLD along with 48 KLD reuse. Thus, the figure of 22 KLD is not only self-declared by the Respondent No. 1, but also stands formally recognized and approved by the competent statutory authority. A copy of CTE authorized by GPCB vide letter bearing No. GPCB/ABD/AMC/CCA-796(02)/ID-12676/678476 dated 20.07.2022 is annexed and marked as **ANNEXURE A-29**

**(Pg. 443, relevant Pg. 444)**

9. It is further submitted that the above position is reinforced by the fact that Respondent No.1 had filed an application dated 08.07.2022 seeking amendment in its Consolidated Consent and Authorization (CCA), wherein, once again, the water balance diagram submitted by the project proponent reflected 22 KLD of fresh water consumption and 48 KLD of recycled water under the proposed Zero Liquid Discharge system. A copy of application filed by project proponent seeking the amendment in the CCA dated 08.07.2022 is annexed and marked as **ANNEXURE A-30 (Pg. 447, relevant Pg. 450)**.

10. Pursuant thereto, the GPCB granted CCA Amendment vide letter bearing No. H-122042 (**ANNEXURE A-21, Pg. 130**) dated 14.10.2022, valid till 25.11.2023, wherein, under Section 3.1 of the conditions issued under the Water Act, 1974, it was specifically stipulated that:

*"There shall be no change in in existing quantity of industrial water consumption (70KLD) and industrial effluent generation (50KLD) due to CTE Ammendment (**Fresh = 22 KLD and RO Permeate = 48KLD**).*

***(emphasis supplied)***

11. The said condition clearly establishes that while the source composition of water was altered due to ZLD implementation, the total industrial water requirement of the unit remained constant at 70 KLD, thereby further demonstrating that the

*Azlem. M. J. J. J.*



figure of 18 KLD permitted under the CGWA NOC is wholly inconsistent with the approved operational parameters of the unit, and documents available on record. 12. It is further submitted that even in the subsequent regulatory framework, the position regarding total water consumption of the unit has remained unchanged. The Respondent No.1 continued operations without a valid CCA for the period from 25.11.2023 till 16.11.2024, and thereafter was granted fresh CCA vide letter bearing No. AWH-138352 dated 16.11.2024, valid till 25.11.2025 which was further extended till 25.11.2026 **ANNEXURE A-3 (Pgs. 42-49)**


13. In the said CCA, AWH-138352, under Clause 3.2 of the conditions issued under the Water Act, 1974, it has been expressly mandated that the total industrial water consumption shall remain at 70 KLD, thereby reaffirming that there has been no reduction in the overall water requirement of the unit.

14. Thus, from the initial stage of grant of CTE, through subsequent amendments in the CCA, and even under the latest consent regime, the total industrial water consumption of the impugned unit has consistently remained at 70 KLD (22KLD fresh + 48 KLD Reuse). This uninterrupted continuity in the approved water consumption clearly establishes that the operational requirement of the unit has never undergone any reduction.

15. In the present case, numerous statutory records, including the CTE dated 20.07.2022, CCA dated 14.10.2022, and subsequent renewals/extensions thereof, specifically record the fresh water requirement as 22 KLD and recycled water as 48 KLD, while the approved industrial water consumption remains 70 KLD. In such circumstances, the grant of NOC by Respondent 5 and 6 for only 18 KLD, without proper reconciliation of the GPCB consent record and water balance, is *ex facie* contrary to the CGWA's own evaluation criteria and therefore erroneous in law.

**II. COMPUTATION OF ENVIRONMENTAL COMPENSATION BY THE APPLICANT DONE STRICTLY IN ACCORDANCE WITH CGWA FRAMEWORK AND STATUTORY RECORDS**

*Jedem. Y. Kant.*

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16. At the outset, it is pertinent to note that there is no dispute whatsoever with respect to the fact that Respondent No.1 had been operating the impugned industrial unit and abstracting ground water without obtaining mandatory NOC under the Notification dated 24.09.2020 issued by the Ministry of Jal Shakti.
17. That Respondent No.5 and 6 in their Affidavit-in-Reply have categorically, as on **Para 17, Pg. 614**, admitted that the project proponent was operating without obtaining the mandatory NOC and that multiple Show Cause Notices were accordingly issued on account of such illegal extraction.
18. It is further an admitted position that the NOC was ultimately granted only on 05.03.2026 and processed on the basis of application dated 25.02.2026. Therefore, for the entire intervening period commencing from 24.09.2020 till 25.02.2026, the groundwater abstraction carried out by Respondent No.1 was *ex facie* unauthorized and squarely liable for imposition of Environmental Compensation in terms of Clause 15.0 of the Notification dated 24.09.2020 read with the applicable SOP and CPCB methodology.
19. It is further submitted that prior to implementation of the ZLD system (before 14.10.2022), the operational water requirement of the unit continued to remain at 70 KLD. The earlier Consolidated Consent and Authorization (CCA) granted to Respondent No.1 and valid from 04.01.2019 (**Pg. 453**) specifically stipulated under Condition No.3.1 that the industrial effluent generated from the manufacturing process and other ancillary industrial operations shall not exceed 51 KLD. The said condition, read conjointly with the water balance diagram (**Pg. 449**) and operational parameters of the textile processing activity, clearly establishes that the unit was necessarily required to maintain industrial water consumption of approximately 70 KLD in order to sustain such industrial operations while remaining within the permitted discharge limits. Therefore, for the period commencing from 24.09.2020 till 14.10.2022, i.e. prior to commissioning of the ZLD system, the illegal groundwater abstraction attributable to Respondent No.1 has rightly been considered at 70 KLD.

*Jedem, Yanki*



Order passed by the Hon'ble National Green Tribunal, Central Zone Bench in Appeal No.03/2025(CZ) is annexed hereto and marked as **ANNEXURE A-41**.

23. It is further submitted that the methodology for computation of Environmental Compensation for illegal extraction of ground water is specifically prescribed under Clause 15.0 of the Notification dated 24.09.2020 issued by the Ministry of Jal Shakti, which expressly stipulates that extraction of groundwater for commercial use without a valid NOC shall be treated as illegal and such entities shall be liable to pay Environmental Compensation for the quantum of groundwater so extracted. The formula prescribed under the said notification for computation of Environmental Compensation is reproduced herein below:

$$EC_{GW} = \text{Ground Water Consumption Per Day} \times ECR_{GW} \times \text{Number of Days} \times \text{Deterrence Factor}$$

24. It is submitted that Table 15.3 of the aforesaid Notification prescribes the Environmental Compensation Rate ( $ECR_{GW}$ ) applicable to industrial units depending upon the category of assessment unit and the quantum of water consumption.

Table 15.3:  $ECR_{GW}$  for Industrial units

S.No.	Area Category	Water Consumption (cum/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate ( $ECR_{GW}$ ) in Rs./m <sup>3</sup>					
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over- exploited	80	120	160	200
Note :- Minimum $EC_{GW}$ shall not be less than Rs 1,00,000/-					

25. The below Table-01 categorically shows the area classification of "Ahmedabad City" as per Groundwater Resource Estimation (GWRE) 2017, 2022, 2023, 2024 and 2025.

GWRE Year	Effective Period of calculation	Area type category
GWRE-2017	24/09/2020-31/12/2020	Semi critical
GWRE-2020	01/01/2021-31/12/2022	Semi critical

*John. M. S. S.*

GWRE-2022	01/01/2023-31/12/2023	Overexploited
GWRE-2023	01/01/2024-31/12/2024	Overexploited
GWRE-2024	01/01/2025-31/12/2025	Overexploited
GWRE-2025	05/01/2026-31/12/2026	Overexploited

26. Accordingly, the EDC computation from 24.09.2020 (date of enforcement of circular by Ministry of Jal Shakti) till 13.10.2022 (last date prior to ZLD implementation requirement) is computed herein

GROUNDWATER EXTRACTION PRIOR TO IMPLEMENTATION OF ZLD							
Start date	End date	GWRE	ECR <sub>gw</sub>	Per day Quantum	No of Working days	Deterrence Factor	Charges
24.09.2020	13.10.2022	Semi Critical	40	70	615	1	17,22,000
<b>EC from 24.09.2020 till 13.10.2022 = 40 x 70 x 615 x 1 = 17,22,000</b>							

27. The EDC calculation from 14.10.2022 (date on which the impugned unit shifted its facility to ZLD) till 31.12.2022 is computed below

GROUNDWATER EXTRACTION POST IMPLEMENTATION OF ZLD							
Start date	End date	GWRE	ECR <sub>gw</sub>	Per day Quantum	No of Working days	Deterrence Factor	Charges
14.10.2022	31.12.2022	Semi Critical	40	22	64	1	56,320
<b>EC from 14.10.2022 till 31.12.2022 = 40 x 22 x 64 x 1 = 56,320</b>							

28. That the GWRE of Ahmedabad City was downgraded from 'Semi-Critical' status as on 31.12.2022 to 'Over-Exploited' status as on 01.01.2023. Therefore, a higher Compensation rate was applicable from such date. Accordingly, the EDC calculation from 01.01.2023 till 25.02.2026 is computed below

POST IMPLEMENTATION OF ZLD & CHANGE OF GWRE OF AHMEDABAD CITY FROM SEMI CRITICAL TO OVER EXPLOITED.							
Start date	End date	GWRE	ECR <sub>gw</sub>	Per day Quantum	No of Working	Deterrence Factor	Charges

*Jiten. J. J.*

					days		
01.01.2023	25.02.2026	Over Exploited	80	22	946	1	16,64,960
<b>EC from 14.10.2022 till 31.12.2022 = 80 x 22 x 946 x 1 = 16,64,960</b>							

Alternative Source: Online EDC Calculator on CGWA Website:

<https://cgwa-noc.gov.in/Sub/Report/EC/KnowYourEC.aspx> **(ANNEXURE A-42)**

29. Accordingly, the total Environmental Compensation payable for the period commencing from 24.09.2020 till 25.02.2026 works out to **₹34,43,280/-** (Rupees Thirty Four Lakhs Forty Three Thousand Two Hundred Eighty Only), which is substantially higher than the amount assessed by Respondent No.5 and 6 in the invoice relied upon by Respondent No.1 in its Reply Affidavit.


30. The Applicant further states that the aforesaid computation is also independently verifiable from the online Environmental Compensation Calculator hosted on the official CGWA portal, which itself reflects the statutory methodology prescribed under the Notification dated 24.09.2020. Copy of the Online EDC calculator on CGWA website are annexed herewith as **ANNEXURE A-42**

31. The computation adopted by CGWA, based on an incorrect and artificially reduced abstraction quantum of **18 KLD**, has resulted in gross underestimation of environmental damage and is therefore liable to be set aside.

### **III. PARA WISE REBUTTAL TO THE REPLY FILED BY RESPONDENT 5 AND 6 VIDE AFFIDAVIT IN REPLY DATED 21.04.2026**

32. The contents of **Paragraph Nos. 1 to 4** of the Affidavit-in-Reply are matters of record and do not call for any detailed reply. The Applicant does not dispute the statutory constitution and regulatory framework governing Respondent No.5 and 6 under the Environment (Protection) Act, 1986 and the Notification dated 24.09.2020 issued by the Ministry of Jal Shakti. However, the Applicant respectfully submits that no grievance has been raised against the existence of such statutory framework; rather, the present proceedings concern the failure in proper implementation, verification, monitoring, and enforcement of the said regulatory regime in relation to the illegal groundwater abstraction carried out by Respondent No.1.

*Arjun, Yank's*



33. The contents of **Paragraph No.5** are denied to the extent Respondent No.5 and 6 contend that they have discharged their statutory duties in accordance with the legal framework. It is submitted that the impugned NOC dated 05.03.2026 itself is contrary to the mandatory SOP and verification mechanism prescribed under the Notification dated 24.09.2020, inasmuch as the permitted groundwater abstraction of 18 KLD does not align with the statutory CTE/CCA records issued by GPCB, which consistently record fresh water requirement of 22 KLD and total industrial water consumption of 70 KLD. The grant of NOC without reconciling such statutory consent conditions clearly demonstrates non-application of mind and failure to exercise due diligence by Respondent No.5 and 6.

34. The contents of **Paragraph No.6** are matters of record to the extent that Clause 13 of the Notification dated 24.09.2020 delegates certain enforcement powers to the District Magistrate/District Collector. However, the Applicant submits that such delegation does not absolve Respondent No.5 and 6 from their independent statutory obligation to properly scrutinize, verify, and regulate groundwater abstraction while processing and granting NOC under the applicable regulatory framework. In the present case, the grievance of the Applicant pertains to the erroneous and arbitrary grant of NOC without reconciling the abstraction quantum with the statutory CTE/CCA conditions and approved water balance records of the project proponent

35. The contents of **Paragraph No.7** are matters of record and substantially support the case of the Applicant. The facts pertaining to issuance of communications dated 30.06.2025 to District Magistrate, show cause notice dated 21.07.2025, reminder show cause notice dated 17.09.2025 and subsequent communication to the District Collector dated 24.09.2025 initiated against Respondent No.1 on account of illegal groundwater abstraction have already been specifically pleaded and annexed in the present Application by the Applicant herein.

36. The contents of **Paragraph No.8** are denied to the extent Respondent No.5 and 6 seek to justify non-performance of their statutory obligations on the ground of

*John, Y. S. S.*

lack of infrastructure, field staff, or police powers for on-ground enforcement. It is submitted that such a stand is contrary to the very object and mandate of the regulatory framework governing groundwater abstraction. Hon'ble National Green Tribunal, Central Zone Bench, in **Appeal No.03/2025(CZ), Tahir Hussain v. State of Rajasthan & Ors.**, while dealing with the functioning of CGWA, has specifically observed that:

*"Even though, 29 years have passed after the passing of the judgment of the Hon'ble Supreme Court, the situation of falling groundwater level has not improved and has in fact further deteriorated. Unfortunately, in spite of clear directions of the Hon'ble Supreme Court, the **CGWA is not willing to take the ownership of the subject and repeatedly takes the plea that it does not have the infrastructure** or that the responsibility of dealing with the problem is of the States and not that of the said authority. It is high time that the working of the CGWA is reviewed and remedial measures are taken including assessment of ground water recharge. This Tribunal has ascertained facts and directed the regulatory authorities to take remedial action by way of closing such drawal, initiating prosecution and recovering compensation on 'Polluter Pays' principle. There is need for constant action by the regulatory authorities and mechanism for higher level review of working of such authorities to avoid unnecessary litigation."*

*(emphasis supplied)*

37. In the present case, the grievance of the Applicant is not confined merely to physical sealing or coercive enforcement, but now extends to the arbitrary and erroneous grant of NOC itself by Respondent No.5 and 6 without proper scrutiny and reconciliation of the statutory consent records and approved water consumption parameters governing Respondent No.1. Therefore, the plea sought to be raised in the present paragraph is misconceived and untenable in law.

38. The contents of **Paragraph No.9** are matters of record. Inasmuch as the said paragraph pertains to the reliefs sought against other Respondents and the delegated powers of the District Collector under the Notification dated 24.09.2020, no specific reply is required from the Applicant in the present Rejoinder. However, the Applicant reiterates that the present proceedings also raise specific grievances regarding the arbitrary grant of NOC and improper assessment carried out by Respondent No.5 and 6.

*Jatun, Yankh*

39. The contents of **Paragraph No.10** are denied to the extent Respondent No.5 and 6 seek to dispute the computation methodology adopted by the Applicant. It is submitted that the Environmental Compensation computed by the Applicant is strictly based upon Clause 15.0 of the Notification dated 24.09.2020, the applicable SOP issued by the Ministry of Jal Shakti, and the statutory consent conditions issued by the GPCB governing the operational water consumption of Respondent No.1. The subsequent computation of Ground Water Charges and Environmental Compensation has also been carried out in consonance with Clause 1.9.1.1 of the applicable SOP, which specifically provides that

- 1.9.1.1 Existing industries/ infrastructure/ mining projects*
- *In case of existing industries and mines, check the date of commencement of operation from CTE/ Industry profile/ Environmental Clearance.*
  - *In case of existing infrastructure projects, check date of establishment.*
  - *If the project is operational prior to 24.09.2020, charges will be payable from 24.09.2020.*

Since the impugned industrial unit was admittedly operational much prior to 24.09.2020 and continued illegal abstraction of groundwater without mandatory NOC till processing of the application dated 25.02.2026, the Applicant has rightly computed the liability from 24.09.2020 onwards.

40. Without prejudice to the aforesaid, the Applicant leaves it to the discretion of this Hon'ble Tribunal to determine whether Ground Water Charges and Environmental Compensation are simultaneously leviable for the overlapping period in question. However, such issue in no manner affects the correctness of the computation methodology or the admitted liability arising out of prolonged illegal groundwater abstraction by Respondent No.1.

41. The contents of **Paragraph No.11** are denied as being misconceived and contrary to the record itself. It is pertinent to note that Respondent No.5 and 6 have themselves stated in Paragraph No.13 of the present Affidavit-in-Reply that upon receipt of the RTI application dated 23.12.2024, it was confirmed that Respondent No.1 was operating and extracting groundwater without obtaining mandatory NOC. However, despite admittedly being aware of such illegal

*Deputy. J.S. K.*

abstraction, the first show cause notice came to be issued only on 21.07.2025, i.e. after a delay of almost seven months. the contention that Respondent No.5 and 6 acted promptly and discharged their obligations without any delay is wholly incorrect.

42. The regulatory action of issuance of show cause notices, scrutiny of violations, assessment of liability, and initiation of further proceedings admittedly falls within the domain of Respondent No.5 and 6 themselves. Hence, the submissions made in Paragraph No.11 are false, misleading, and liable to be rejected.

43. The contents of **Paragraph No.12** are substantially repetitive in nature and therefore do not warrant any detailed reply. It is reiterated that while certain enforcement powers may stand delegated to the District Magistrate/District Collector under the Notification dated 24.09.2020, the same does not absolve Respondent No.5 and 6 from their independent statutory responsibilities relating to scrutiny, verification, assessment, and regulation of groundwater abstraction while processing and granting NOC to Respondent No.1.

44. The contents of **Paragraph Nos.13, 14 and 15** are matters of record and substantially support the case of the Applicant. Respondent No.5 and 6 have themselves admitted that Respondent No.1 was operating and extracting groundwater without obtaining mandatory NOC and that repeated show cause notices and communications were issued on account of such illegal abstraction. It is further admitted that communications were addressed to the District Collector seeking enforcement action and that till date no effective response or Action Taken Report (ATR) has been received from the concerned authority. Despite delegation of powers under Clause 13 of the Notification dated 24.09.2020 issued by the Ministry of Jal Shakti, the District Magistrate/District Collector failed to undertake appropriate enforcement action against the illegal groundwater abstraction carried out by Respondent No.1. The said paragraphs therefore reinforce the Applicant's contention regarding continuing regulatory

*Aditya, Yash*

failure and prolonged unauthorized extraction of groundwater in violation of the statutory groundwater regulatory framework.

45. The contents of **Paragraph No.16** are denied to the extent Respondent No.5 and 6 seek to dispute the computation methodology adopted by the Applicant.

The computation carried out by the Applicant is strictly in accordance with the Notification dated 24.09.2020 issued by the Ministry of Jal Shakti bearing S.O. 3289(E), the applicable CGWA formula, and the SOP governing illegal groundwater abstraction. Apart from the mathematical computation independently undertaken by the Applicant as per the prescribed CGWA formula, the Environmental Compensation has also been cross-verified through the official "Know Your Environmental Compensation" online portal hosted and authorized by CGWA itself. Therefore, the computation placed on record by the Applicant is neither presumptive nor arbitrary in nature. The abstraction quantum adopted by the Applicant has been derived from the statutory consent conditions and approved water consumption parameters issued by the GPCB itself, and therefore the entire computation is fully aligned with the methodology prescribed by CGWA and the Ministry of Jal Shakti.

46. The contents of **Paragraph No.17** are matters of record and substantially support the case of the Applicant. Respondent No.5 and 6 have themselves admitted that Respondent No.1 persistently operated and extracted groundwater without obtaining mandatory NOC under the Notification dated 24.09.2020 and further failed to respond to the show cause notices issued.

47. The contents of **Paragraph No.18** are matters of record to the extent that Respondent No.1 was granted NOC dated 05.03.2026 valid from 25.02.2026 to 24.02.2028. However, the Applicant submits that the said NOC itself is under challenge in the present proceedings in I.A 210/2026 on the ground that the same has been granted in an erroneous, arbitrary, and mechanical manner without proper verification and reconciliation of the statutory CTE/CCA records and approved water consumption parameters governing Respondent No.1.

*Adem. Y. Wani*

48. The contents of **Paragraph Nos.19 and 20** are matters of record and do not call for any specific reply. The Applicant does not have any specific grievance with respect to the statements made therein, save and except what has already been specifically stated and challenged elsewhere in the present Rejoinder with regard to the erroneous grant of NOC and improper assessment undertaken by Respondent No.5 and 6.

*Atm. Ghosh*

**APPLICANT**

**THROUGH**

*Maitreya Ghorpade*

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SR. No. 11815 2026

**PARAS C. VIRAMGAMI**  
NOTARY  
GOVT. OF INDIA  
**01 JUN 2026**

**VERIFICATION**

I, Surti Mohammed Irfan, R/o 4051 Behind Old Anjuman School, Gollimda, Astodia Road, Ahmedabad - 380001 do hereby verify that the contents of the present Rejoinder abovementioned are true to my personal knowledge and nothing material has been concealed therefrom.

**Date: 01 JUN 2026**

**Place:**

*Atm. Ghosh*

**APPLICANT**



**SOLEMNLY AFFIRMED  
BEFORE ME**

**PARAS C. VIRAMGAMI**  
NOTARY  
GOVT. OF INDIA  
**01 JUN 2026**

Item No.09

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(THROUGH PHYSICAL HEARING (WITH HYBRID OPTION))**

**Appeal No.03/2025(CZ)**

Tahir Hussain

Appellant(s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

**Date of Hearing: 13.05.2026**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Appellant (s):

Mr. Prakash Pandey, Adv.

For Respondent(s):

Mr. Rohit Sharma, Adv. for State of Rajasthan  
Mr. Yadendra Yadav, Adv. for CPCB  
Mr. Gigi C. George, Adv. for CGWA  
Mr. Arvind Soni, Adv. for RSPCB

**ORDER**

1. By means of filing this Appeal, the Appellant has referred the judgment of the Hon'ble Supreme Court in *M.C Mehta v. Union of India and Ors.:* (1997) 11 SCC 312, whereby the Hon'ble Supreme Court directed constitution of Central Regulatory Body in the light of the recommendation of an Expert Committee, under Section 5 of the Environment (Protection) Act, 1986. The Central Ground Water Authority (CGWA) has been constituted. The Tribunal found that effective functioning was far from satisfactory in achieving the object of protecting the ground water levels. With the result, illegal drawl of ground water by the hotels, industries and builders for commercial purposes in over exploited, critical and semi critical (OCS) areas was continuing at large scale. The Tribunal elaborately considered the problem and need for constant action by the regulatory authorities.

After noticing the available data, the Tribunal noted the failure of the authorities in performing their duties on the subject on account of which situation continues to deteriorate.

2. Remedial action against falling groundwater levels in the country is the subject matter of consideration before this Tribunal. Taking cognizance of news item under the caption "Falling Groundwater Level Threatens City", appearing in the Indian Express of 18.03.1996, the Hon'ble Supreme Court issued notice to the Central Groundwater Body and DPCC, Municipal Corporation of Delhi and Delhi Waterworks and Sewerage Disposal Undertaking (now DJB).<sup>1</sup> Suggestions were sought from NEERI and thereafter from Ministry of Water Resource. The MoWR acknowledged the problem and stated that a Model Bill has been prepared to regulate and control the development of groundwater in their respective areas.
3. The Central Government in the Ministry of Environment and Forest shall constitute the Central Groundwater Board as an Authority under Section 3(3) of the Act. The Authority so constituted shall exercise all the powers under the Act necessary for the purpose of regulation and control of groundwater management and development. The Central Government shall confer on the Authority the power to give directions under Section 5 of the Act and also powers to take such measures or pass any orders in respect of all the matters referred to in sub-section (2) of Section 3 of the Act.
4. The main object for the constitution of the Board as an Authority is the urgent need for regulating the indiscriminate boring and withdrawal of underground water in the country. We have no doubt that the Authority so constituted shall apply its mind to this urgent aspect of the matter and shall issue necessary regulatory directions with a view

to preserve and protect the underground water. This aspect may be taken up by the Authority on an urgent basis.

5. Even though, 29 years have passed after the passing of the judgment of the Hon'ble Supreme Court, the situation of falling groundwater level has not improved and has in fact further deteriorated. Unfortunately, in spite of clear directions of the Hon'ble Supreme Court, the CGWA is not willing to take the ownership of the subject and repeatedly takes the plea that it does not have the infrastructure or that the responsibility of dealing with the problem is of the States and not that of the said authority. It is high time that the working of the CGWA is reviewed and remedial measures are taken including assessment of ground water recharge. This Tribunal has ascertained facts and directed the regulatory authorities to take remedial action by way of closing such drawal, initiating prosecution and recovering compensation on 'Polluter Pays' principle. There is need for constant action by the regulatory authorities and mechanism for higher level review of working of such authorities to avoid unnecessary litigation.
6. Notification dated 12.12.2018 was issued by Ministry of Water Resources (MoWR) which was considered by this Tribunal vide order dated 03.01.2019. The Tribunal noted from the affidavit filed by the CGWA found that utilizable water in India is 1137 BCM which comprises of 690 BCM of surface water and 447 BCM of replenishable ground water resources. In the year 2009, about 2700 BCM of ground water was available in deeper aquifers, below the zone of water level fluctuations. Thus, ground water over exploitation is recommended to be restricted to sustainability of ground water by annual replenishment in order to facilitate long term sustainability of ground water. It is further stated that per year extraction is 253 BCM which is 25% of the

global ground water extraction. Out of total 6,584 assessment units, 1,034 fall in over-exploited category (where extraction is more than 100%of recharge), 253 fall in critical category (where extraction is 90-100% of the recharge), 681 fall under semi-critical category (where extraction is 70-100% of the recharge) and 4,520 are under safe category (where extraction is 90% of the recharge). About 90% extraction is for agricultural purposes, 10% for drinking, domestic and industrial purposes. Industrial use is 5%. Model building bye-laws 2016 include the provision of rain water harvesting in all new buildings on plots of 100 sq. mtrs. and above. Entire storm water is to be captured for water harvesting through suitable structures in all public and open spaces of more than 500 sq. mtrs. Buildings having minimum discharge of 10,000 liters and above are required to have waste water recycling system for horticulture purposes. 'Mission Water Conservation' has been introduced by the Ministry of Agriculture, Government of India. Inter-Ministerial Committee has been constituted under the chairmanship of the Secretary, Ministry of Water Resources, Government of India. The Ministry is also carrying out training programme and Information, Education & Communication (IEC) activities for awareness. The Department of Land Resources is implementing water-shed development projects. Certain States have taken initiatives including Punjab Preservation of Subsoil Water Act, 2009 which ban early sowing of paddy nursery and transplantation of saplings. Maharashtra Groundwater (Development and Management) Act, 2009 prohibits drilling of deep wells within for agriculture or industrial usage, pumping of ground water for deep well of depth of 60 mtrs. or more. The CGWA has issued advisories and it requires taking of NOC for ground water withdrawal but the agriculture section is not

subjected to ground water regulation on account of socio-economic implications. The steps taken by the CGWA include directions for rooftop rain water harvesting systems, ground water recharge measures along the National highways, State national highways, railway tracks, etc., artificial recharge in over-exploited areas, large and medium industries using ground water to take up the ground water conservation measures. CGWA imposes condition while granting NOC for withdrawal of ground water in States/UTs which do not have functional ground water authorities. NOCs are granted online in a user-friendly manner. Industries in safe category are exempted from NOC but in OCS areas, condition for grant of NOC is rain water harvesting/ground water recharge measures and NOCs are denied in over-exploited areas. Non-water intensive industries drawing ground water up to 100 m<sup>3</sup>/day are exempted from NOC in critical areas, non-water intensive industries drawing up to 50 m<sup>3</sup>/day are exempted from NOC. (In over-exploited areas, non-water intensive industries are exempted which are drawing ground water up to 25 m<sup>3</sup>/day. Permitted water extraction is restricted to 60% of the proposed recharge. Ground water extraction should not be exceeded 1,500m<sup>3</sup>/day for each unit. In semi-critical areas, ground water extraction is restricted to 200% and 100% of proposed recharge for non-water intensive and water intensive industries respectively. In critical areas, ground water extraction is permitted up to 100% and 50% of proposed recharge for non-water intensive and water intensive industries respectively. In over-exploited areas, ground water extraction is permitted up to 50% of the proposed recharge). Till 2015, existing industries were not required to seek any NOC. In compliance of order of the Tribunal dated 15.04.2015, existing

industries were brought within the purview of NOC with effect from 16.11.2015.

7. As per publication of NITI Ayog, India is placed at 120<sup>th</sup> amongst 122 countries in water quality index. Most states have achieved less than 50% of the total score in augmentation of groundwater resources, highlighting a growing national crisis. 54% of India's ground water wells are decreasing in levels and 21 major cities across the country are expected to run out of ground water by 2020. Almost none of the States have built the infrastructure required to recharge groundwater in over exploited and critical areas. Several States such as U.P., Bihar, Rajasthan etc. have not put in place any regulatory framework for managing the groundwater. These states produce of India's agricultural output and groundwater accounts for 63% of all irrigation water. Therefore, unsustainable extraction in these states also poses a significant food security risk for the 20-30% country. 3. About 60% of the irrigation needs, 85% of rural drinking water needs and 50% of urban water needs are met through ground water. The CGWB has categorised the areas into the following on the basis of availability of ground water resources:-

<i>Safe</i>	<i>(&lt;=90%, No decline in water levels)</i>
<i>Critical</i>	<i>(&gt;70% and &lt;=100%, decline in water levels)</i>
<i>Semi-critical</i>	<i>(&lt;100%, decline in water levels)</i>
<i>Over-exploited</i>	<i>(&gt;100%, decline in water levels)</i>

4. *As per another survey, India extracts most ground water. Globally, 25% of total annual global annual water is extracted in India. The extraction level is going up continuously.*

5. *Depletion of ground water not only creates crisis for drinking water in absence of inadequate surface water being available in certain areas where there may be drought conditions, but also affects e-flow in rivers and can also increase salinity in soil."*

8. The Ministry of Jal Shakti, Department of Water Resource, River Development and Ganga Rejuvenation, Central Ground Water Authority issued a notification dated 24<sup>th</sup> September, 2020, in light and in compliance of the order of the Hon'ble Supreme Court of India passed in Civil Writ Petition No.4677 of 1985 (*M.C. Mehta Vs. Union of India & Ors.*) and provided the exemption category and other provisions as follows:-

***“1.0 Exemptions from seeking No Objection Certificate:***

*Following categories of consumers shall be exempted from seeking No Objection Certificate for ground water extraction:*

- (i) Individual domestic consumers in both rural and urban areas for drinking water and domestic uses.*
- (ii) Rural drinking water supply schemes.*
- (iii) Armed Forces Establishments and Central Armed Police Forces establishments in both rural and urban areas.*
- (iv) Agricultural activities.*
- (v) Micro and small Enterprises drawing ground water less than 10 cum/day.*

*.....x.....x.....x.....x.....*

***2.0 Drinking & Domestic use for Residential apartments/ Group Housing Societies/ Government water supply agencies in urban areas***

*For grant of No Objection Certificate for ground water extraction, the project proponent has to furnish the details as per the guidelines issued by the CGWA in proper format as available in CGWA website. No Objection Certificate for new existing wells shall be granted only in such cases where the local Government water supply agency is unable to supply requisite amount of water in the area. No Objection Certificate shall be granted subject to the following specific conditions:*

- i) Installation of Sewage Treatment Plants shall be mandatory for all residential apartments/ Group Housing Societies where ground water requirement is more than 20 m<sup>3</sup>/day. The water from Sewage Treatment Plants shall be utilized for toilet flushing, car washing, gardening etc.*

ii) *The No Objection Certificate shall be valid for a period of five years from the date of issue or till such time local Government water supply is provided to the project area, whichever is earlier. In case the project proponent receives water supply from the concerned local Government Water Supply Agency during the validity of the No Objection Certificate, intimation regarding availability of public water supply shall be sent by the project proponent to CGWA and No Objection Certificate will be cancelled by the Authority. In other cases, the project proponent will apply for renewal of No. Objection Certificate, ninety days before the expiry of No Objection Certificate.*

iii) *Proponents shall be liable to pay ground water abstraction charges for the quantum of ground water proposed to be extracted, as per rates mentioned in Table 5.1.*

.....x.....x.....x.....x.....

#### **5.0 Ground water abstraction/restoration charges**

*All residential apartments/ group housing societies/ Government water supply agencies in urban areas shall be required to pay ground water abstraction charges.*

*All industries/mining/ infrastructure projects drawing ground water in safe, semi-critical and critical assessment units will have to pay ground water abstraction charges based on quantum of ground water extraction and category of assessment unit as per details given in this guideline.*

*All existing mining/ infrastructure projects and existing industries including MSME drawing ground water in over-exploited assessment units will have to pay ground water restoration charges based on quantum of ground water extraction. Further, new MSME, new infrastructure and new Mining projects in over exploited areas shall also be required to pay ground water restoration charges.*

*Existing industries, infrastructure units and mining projects which have installed/constructed artificial recharge structures in compliance of the conditions prescribed in the groundwater guidelines prevailing at the time of grant of No Objection Certificate or its renewal shall be eligible for a rebate of 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, subject to their satisfactory performance and verification.*

*The revenue generated from the proposed water abstraction/ restoration charges shall be kept in a separate fund for implementation of site specific suitable demand/ supply side interventions.*

9. Section 5 provides the rate of ground water abstraction, registration charges, packaging drinking water units and other provisions and renewal of No Objection Certificate as provided in Section 11. Section 13 provides the delegation of powers against illegal extraction of ground water as follows:-

***“13.0 Delegation of powers against illegal groundwater withdrawal***

*Central Ground Water Authority has appointed the District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District/ Sub division as Authorized Officers, who have been delegated the power to seal illegal wells, disconnect electricity supply to the energised well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.*

*In order to further decentralise and strengthen the monitoring and compliance mechanism as per the guidelines, officials of concerned Departments of Revenue and Industries of the States/Uts shall be appointed as Authorised Officers in consultation with the State/Ut Governments.*

*A copy of the No Objection Certificate issued by the CGWA in the No Objection Certificate Application Portal (NOCAP) will be forwarded to the respective District Magistrate/ District Collector. In case of any violation of the directions of Central Ground Water Authority and non-fulfilment of the conditions laid down in the No Objection Certificate, the Authorised Officers will file appropriate Petition/Original Application etc under sections 15 to 21 of the Environment (Protection) Act, 1986 in appropriate Courts.”*

10. Sections 14, 15, 15.1 and 15.2 provide the Environmental Compensation as follows:-

***“14.0 Ground Water Level Monitoring***

All the project proponents (drawing ground water more than 10cum/d) have to mandatorily construct Piezometers (observation wells) within their premises for monitoring of the ground water levels. Such a mechanism of compliance conditions has been made to ensure that every month the ground water level in the project area can be monitored and observed. In this regard the necessary criteria for monitoring of water levels through piezometers by the project proponents is given in Table 14.1.

<b>Table 14.1 No. of Piezometers to be constructed &amp; Type of Water Level Monitoring Mechanism</b>					
S.No.	Quantum of Ground water withdrawal (cum/d)	No. of piezometer required	Monitoring mechanism		
			Manual	DWLR	DWLR with Telemetry
1	<10	0	0	0	0
2	11-50	1	1	0	0
3	51-500	1	0	1	0
4	>500	2	0	1	1

The piezometer shall be suitably located to ensure that zone of aquifer tapped in the piezometer is the same as that of the pumping well.

### **15.0 Environmental Compensation**

Extraction of ground water for commercial use by industries, infrastructure units and mining projects without a valid No Objection Certificate from appropriate authority shall be considered illegal and such entities shall be liable to pay Environmental Compensation for the quantum of ground water so extracted. The norms prescribed by Central Pollution Control Board (CPCB) shall be utilized for calculating the Environmental compensation as mentioned below:

$EC_{GW} = \text{Ground water consumption per day} \times \text{Environmental Compensation rate (ECR}_{GW}) \times \text{No. of days} \times \text{Deterrence factor}$

where ground water consumption is in m<sup>3</sup>/day and ECR<sub>GW</sub> in Rs./cum

### **15.1 Rates of Environmental Compensation:**

Rates of Environmental Compensation (ECR<sub>GW</sub>) for various types of users in different categories of assessment units are given in Table 15.1 to 15.3.

#### **Table 15.1: ECR<sub>GW</sub> for Packaged Drinking Water units**

S.No.	Area Category	Water Consumption (cum/day)			
		<200/	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./m <sup>3</sup>			
	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over- exploited	48	72	96	120
<b>Note :-</b> Minimum ECR <sub>GW</sub> shall not be less than Rs 1,00,000/-					

**Table 15.2: ECRGW for Mining/ infrastructure dewatering projects**

S.No.	Area Category	Water Consumption (cum/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./m <sup>3</sup>			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over- exploited	60	90	120	150
<b>Note :-</b> Minimum ECR <sub>GW</sub> shall not be less than Rs 1,00,000/-					

11. In case of violation, Section 16 provides the provisions of penalty as follows:-

**“16.0 Provision of Penalty**

*Penalty shall be imposed on the proponents for non-compliance of No Objection Certificate conditions issued by the appropriate authority. Rates of penalty proposed for non-compliance of various conditions of No Objection Certificate are given in Table 16.1. The rates of the penalty shall be reviewed periodically with the approval of competent authority in Ministry of Jal Shakti.”*

12. Contentions of the learned Counsel for the Appellant are that the State of Rajasthan issued a guideline for ground water regulation in the State in February, 2025, which is not in consonance with the Central Ground Water Authority Notification and that is the reason the Appellant has challenged the notification issued by the State of Rajasthan in February, 2025.
13. Submissions of the learned Counsel for the Appellant are that the CGWA guidelines provide regulation and control of ground water management by way of issuing “No objection Certificates” for regulated

and sustainable ground water extraction by industries, etc, while exempting certain categories of consumers. The Guidelines issued by the Government of Rajasthan have eased the stringent provision of CGWA Guidelines and have allowed exemption to Government drinking water supply schemes, that is necessary for sustainability and conservation ground water resources. According to CGWA Guidelines, the States/UTs who have come out with their own groundwater abstraction guidelines, which are inconsistent with the CGWA guidelines, the provisions of CGWA guidelines will prevail. It is stated that the CGWA have been constituted on the direction of Hon'ble Supreme Court vide order dated 10.12.1996 in Civil Writ Petition No.4677 of 1985, to have sustainable management of water resources in the country, whereby groundwater abstraction guidelines have been prepared to regulate groundwater extraction and conserve the scarce groundwater resources.

14. The other grounds of challenge are as follows:-

- (i) *That the provision of exemption to "Government drinking water supply schemes" provided by the Guidelines of respondent no.1&2 is against the CGWA Notification of Guidelines dated 24th September 2020 & amendments dated 29th March 2023, as No such category Exempted by CGWA in 24 Sep 2020 Notifications.,*
- (ii) *As per point no 5 of CGWA Notification dated 24th September 2020 it is specified that "All residential apartments/group housing societies/Government water supply agencies in urban areas shall be required to pay ground water abstraction charges",*
- (iii) *The additional criteria of exemption under the Guidelines issued by respondent no.1&2 has diluted the stringent bar of NOC to a class of "Government drinking water supply schemes which were earlier bound by the CGWA guidelines to obtain NOC, such that, the impugned exemption in the Guidelines issued by respondent no.1&2 have paved a way to bypass CGWA Guideline, which is clear violation of CGWA Guidelines, whereby the impugned provision of*

*exemption being inconsistent with the CGWA Guidelines is ineffective and thus liable to be quashed.*

- (iv) Through additional criteria of exemption, respondent no.1 has been liberalized the norms of CGWA Guidelines instead of laying down strict norms for extraction of ground water for commercial purposes and putting in place a robust institutional mechanism for surveillance and monitoring, extraction of ground water.*
- (v) The CGWA Guidelines has provided that in case of inconsistency between the guidelines issued by States/UTs and CGWA guidelines, then, the provisions of CGWA guidelines will prevail. however in case the guidelines followed by such states/UTs contain some more stringent provisions than CGWA guidelines but state can not exempt other category, Therefore, the impugned provision of additional exemption is not tenable in the eye of law.*
- (vi) The impugned Guideline has failed to furnish any study or data collected to justify the approach for additional criteria exemption.*
- (vii) The Respondent No.1 has failed to exercise its power and jurisdiction vested in it legally and properly and committed manifest error in law by violating the obligations of CGWA guidelines.,*
- (viii) The state of Rajasthan has areas where availability of ground water is in extreme scarcity and has reached an alarming level, classified by Authorities/Regulators as overexploited or critically exploited or semi critical. The Guidelines issued by the respondent no.1 is silent on the issue of manner of extraction of ground water by the exempted Government drinking water supply schemes whereby the Guidelines issued by the respondent no.1&2 is allowing way to government to extract groundwater in an indiscreet and arbitrary manner, even in areas of over-exploited or critically exploited or semi critical.*

15. It is further argued that the Tribunal vide order dated 03.01.2019 in O.A. No.176 of 2015 has noted that the Environment (Protection) Act, 1986 had an overriding effect as held in M.C Mehta (supra) and no State Legislation could override the Environment (Protection) Act, 1986. Thus, the mandate of CGWA was to override any State regulatory framework. Doing so was the right of CGWA coupled with the duty for

achieving the object of the Environment (Protection) Act, 1986, and it is further argued that the impugned Guidelines have failed to observe that the necessary conditions for implementation by CGWA for ground water abstraction are with the objective to ensure sustainability of ground water both in terms of quantity and quality, looking into the variations in availability of water in different climatic regions and diverse hydro-geological conditions in various States of the country.

16. For regulation of the extraction of ground water, the SOP and the Central Ground Water Authority requires to take into account the following points:-

*1. In case of fixation of liability, it always lies with current owner of the premises where illegal extraction of groundwater is taking place.*

*2. Violation duration may be assumed as at least one year in case where no evidence for period of installation of borewell could be established.*

*3. For illegal industrial ground water abstraction, where metering system is not available, water consumption may be estimated as per consent conditions imposed by SPCB/PCC.*

*4. Water intensive industries should only be permitted in safe, semi-critical and critical area, and should not be allowed to establish new industries in overexploited area.*

*5. Water in over-exploited area should be permitted only for drinking purposes and industries established in this area without prior consent or NOC from CGWA or another concerned department must be closed down with immediate effect. No expansion in existing industrial activity should be permitted, irrespective of additional water demand arises or not.*

*6. Present categorization of area (Over-exploited, Critical and Semi-Critical), as per CGWA shall be considered for calculation of EC, regardless of the area category when the period of violation started.*

*7. In case of all existing cases having more than 5000 KLD ground water demand, permission may be given only after examining scientific assessment of water availability and assessing intergenerational equity by CGWA.*

*8. The industrial units should be directed to adopt State of the Art technologies, use of surface water, treated waste water and reduce specific water consumption, thereby ground water demand is reduced by 10% over three years' period. The industries also be encouraged to create facilities for storage of excess storm water and adequate measures such as groundwater recharge as well as restoration of lakes/ponds in the vicinity of the industry.*

*9. In addition, all repeated violations will attract EC at 1.25 times the previous EC.*

17. In view of the above, we reiterate our directions for devising suitable effective mechanism for preventing extraction of ground water by way of unauthorized tubewells and wherever such illegalities found, prompt coercive measures must be taken. Illegal extraction of ground water is a criminal offence under the EP Act. Compensation must be recovered on the formula already laid down. It will be appropriate that Chief Secretary, calls a meeting of all concerned within one month from today and oversees preparation of an appropriate SOP for fixing responsibility on the subject. The Ministry of Jal Shakti may also take necessary steps in the matter.
18. Notices were issued to the Central Ground Water Authority and reply has been filed.
19. Learned Counsel for the Central Ground Water Authority has argued that the State Government of Rajasthan without consulting the Central Ground Water Authority (CGWA) and without presenting SGWA guidelines for review and acceptance by CGWA and without taking over the existing NOC applications pending with the CGWA, issued a

Gazette Notification No. F.12(7)GWD/2024/03669 dated 05.02.2025 titled "Guidelines for Ground Water Regulation in the State of Rajasthan". The CGWA, in exercise of the powers conferred by section 5 of Environment (protection) Act, 1986, to regulate extraction of Ground Water has issued letter dated 03.06.2025 directing the Chief Engineer of Ground Water Department, Jodhpur, Rajasthan:-

- i. To immediately withdraw the letter F.10/GWNOC/GWD/SEQH/JPR/2025, dated 22.05.2025.*
- ii. To present the comparative analysis of the state guidelines and CGWA guidelines in the next board meeting of CGWA as and when same is scheduled, for review and acceptance by CGWA.*
- iii. To ensure the transfer of NOC application as per SOP.*

20. It is further argued that the Government of Rajasthan came up with the guidelines impugned without taking over the existing NOC applications of the ground water users and without presenting the comparison of Central Ground Water Authority guidelines to SGWA. Furthermore, in the guidelines of State of Rajasthan, it is stated that water related matters falls in State list of Seventh Schedule of the Constitution of India. In this regards details of Seventh Schedule of the Constitution of India of List -II State list entry number 17 is reproduced hereunder:-  
reproduced hereunder:-

*"Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I". However, Entry 56 of list 1 states that "Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest".*

*There is no mention of the 'Groundwater' in both of the list. In pursuance of the directions issued by the Hon'ble Supreme Court of India in the matter of M.C. Mehta vs. Union of India & Others W.P. (C) No. 967 of 1989, The Central Ground Water Authority (CGWA) was constituted by the Government of India for the purpose of regulating and controlling the development and management of groundwater resource in the country. Hence the stand of the Govt. of Rajasthan in formulated guidelines that groundwater is a State subject is wrong and denied as above."*

21. It is further argued that "Guidelines for Ground Water Regulation in the State of Rajasthan," is not in line with the MoJS guidelines and therefore requires proper regulation and oversight. The facts and issues raised by the Appellant in these paragraphs are correct and the reply is submitted in a summary manner by the Respondent.
22. The submissions of the learned Counsel for the Respondent No.5, Rajasthan State Pollution Control Board, are that it is a matter with regard to the notification in which Central Ground Water Authority is responsible for regulate it.
23. The submissions of the learned Counsel for the Respondent Nos.1&2 are that after information received from the Central Ground Water Authority, corrective measures were taken including suspension of the implementation of the guidelines and later on the Government has withdrawn the above guidelines. Copy of the notification has been filed by the learned Counsel for the State and an affidavit has been filed by the Superintending Engineer, Ground Water Department, Jaipur, Rajasthan, that the above notifications 05.02.2025/10.02.2025 have been withdrawn.
24. In view of the above facts, the Appeal deserves to be allowed. Accordingly, the Appeal is allowed and impugned guidelines/notification issued by the State of Rajasthan dated 05.02.2025/10.02.2025, is not in line with the guidelines issued by the

Ministry of Jal Shakti and not in consonance with the guidelines issued by the Central Government and, thus, quashed and set aside as already withdrawn.

25. The **Appeal No.03/2025(CZ)** is allowed and disposed of accordingly.
26. Pending I.As., if any, also stand disposed of accordingly.

**Sheo Kumar Singh, JM**

**Dr. Afroz Ahmad, EM**

13<sup>th</sup> May, 2026,  
Appeal No.03/2025(CZ)  
AK

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ANNEXURE A-42



Government of India  
Ministry of Jal Shakti  
Department of Water Resources, River  
Development and Ganga Rejuvenation  
Central Ground Water Authority (CGWA)



**Application for Issue of NOC to Abstract  
Ground Water (NOCAP)**

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Documents  
Required

Documents Required  
for Online Application

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Track Status

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Location

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Know Your Environmental Compensation (EC)

Application Information

Application

Type: \*

Application

Type

Category:

Location Detail

Water Quality Type: \*

State

District

Name:

Name:

\*

\*

Sub-District

Name/

Block:

\*

GWRE Year	Effective Period for Charge Calculation	Area Type Category
GWRE 2017	24/09/2020-31/12/2020	Semi Critical
GWRE 2020	01/01/2021-31/12/2022	Semi Critical
GWRE 2022	01/01/2023-31/12/2023	Over Exploited
GWRE 2023	01/01/2024-31/12/2024	Over Exploited
GWRE 2024	01/01/2025-31/12/2025	Over Exploited
GWRE 2025	05/01/2026-31/12/2026	Over Exploited

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Area Type Category: \*

Semi Critical

**Quantity Detail**

Ground Water ABSTRACTION  
Without Valid NOC Date (FROM)

24 - 09 - 2020

Ground Water ABSTRACTION  
Without Valid NOC Date (TO)

13 - 10 - 2022

DAILY QUANTUM OF  
EXTRACTION (m3/day)(KLD)

70

ANNUAL QUANTUM OF  
EXTRACTION (m3/Year)(KLY)

21000

Total No Of Days (A)	Rate (B)	Quantum (m3/Year) (C)	Period in Years (D)	Total Illegal GW Extraction(KL) during EC Period (~E=C*D)	EC Amount (Rs) (~F=B*E)
749	40.00	21000	2.05205	43093	1723720 /- (Rupees Seventeen Lakh Twenty Three Thousand Seven Hundred Twenty Only)

**Note:**

- 1- These Environmental Compensation charges varies with the changes in the selected category of block w.e.f 1st January of each year.
- 2- Final calculation of Environmental Compensation will be based on prevailing category of block wef 1st January of each year for the period of illegal groundwater extraction.
- 3- Final calculated Environmental Compensation will be communicated and NOC will be issued subject to payment of same.
- 4- KLD- Kilo leter Per Day.
- 5- KLY- Kilo leter Per Year.

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**6- For Saline Water, EC Rates for Safe category shall be applied, irrespective of actual category of Block/Sub District.**

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Government of India  
Ministry of Jal Shakti

Department of Water Resources, River  
Development and Ganga Rejuvenation  
Central Ground Water Authority (CGWA)



सत्यमेव जयते



**Application for Issue of NOC to Abstract  
Ground Water (NOCAP)**

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Documents Required  
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Know Your Environmental Compensation (EC)

Application Information

Application

Type: \*

Application

Type

Category:

Location Detail

Water Quality Type: \*

State

District

Name:

Name:

\*

\*

Sub-District

Name/

Block:

\*

GWRE Year	Effective Period for Charge Calculation	Area Type Category
GWRE 2017	24/09/2020-31/12/2020	Semi Critical
GWRE 2020	01/01/2021-31/12/2022	Semi Critical
GWRE 2022	01/01/2023-31/12/2023	Over Exploited
GWRE 2023	01/01/2024-31/12/2024	Over Exploited
GWRE 2024	01/01/2025-31/12/2025	Over Exploited
GWRE 2025	05/01/2026-31/12/2026	Over Exploited

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Area Type Category: \*

Semi Critical

**Quantity Detail**Ground Water ABSTRACTION  
Without Valid NOC Date (FROM)

14 - 10 - 2022

Ground Water ABSTRACTION  
Without Valid NOC Date (TO)

31 - 12 - 2022

DAILY QUANTUM OF  
EXTRACTION (m3/day)(KLD)

22

ANNUAL QUANTUM OF  
EXTRACTION (m3/Year)(KLY)

6600

Total No Of Days (A)	Rate (B)	Quantum (m3/Year) (C)	Period in Years (D)	Total Illegal GW Extraction(KL) during EC Period (~E=C*D)	EC Amount (Rs) (~F=B*E)
78	40.00	6600	0.21370	1410	100000 /- (Rupees One Lakh Only)

**Note:**

- 1- These Environmental Compensation charges varies with the changes in the selected category of block w.e.f 1st January of each year.
- 2- Final calculation of Environmental Compensation will be based on prevailing category of block wef 1st January of each year for the period of illegal groundwater extraction.
- 3- Final calculated Environmental Compensation will be communicated and NOC will be issued subject to payment of same.
- 4- KLD- Kilo liter Per Day.
- 5- KLY- Kilo liter Per Year.
- 6- For Saline Water, EC Rates for Safe category shall be applied, irrespective of actual category of Block/Sub District.

Submit

Reset

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Government of India  
Ministry of Jal Shakti

Department of Water Resources, River  
Development and Ganga Rejuvenation  
Central Ground Water Authority (CGWA)



सत्यमेव जयते



**Application for Issue of NOC to Abstract  
Ground Water (NOCAP)**

Information

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[Steps for Filling Online](#)

[Application](#)

Documents  
Required

Documents Required  
for Online Application

- [Industrial](#)
- [Infrastructure](#)
- [Mining](#)

Track Status

[Application Status](#)

- [Online](#)

Location

[Area Type](#)

[Segment-B Area Type](#)

[Regional office](#)

[Location](#)

[CGWA Headquarters](#)

[Know Your](#)

[Environmental](#)

[Compensation\(EC\)](#)

[Know Your Penalty](#)

[Ground Water](#)

[Abstraction/Restoration](#)

Know Your Environmental Compensation (EC)

Application Information

Application

Type: \*

Application

Type

Category:

Location Detail

Water Quality Type: \*

State

District

Name:

Name:

\*

\*

Sub-District

Name/

Block:

\*

GWRE Year	Effective Period for Charge Calculation	Area Type Category
GWRE 2017	24/09/2020-31/12/2020	Semi Critical
GWRE 2020	01/01/2021-31/12/2022	Semi Critical
GWRE 2022	01/01/2023-31/12/2023	Over Exploited
GWRE 2023	01/01/2024-31/12/2024	Over Exploited
GWRE 2024	01/01/2025-31/12/2025	Over Exploited
GWRE 2025	05/01/2026-31/12/2026	Over Exploited

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Area Type Category: \*

Over Exploited

**Quantity Detail**Ground Water ABSTRACTION  
Without Valid NOC Date (FROM)

01 - 01 - 2023

Ground Water ABSTRACTION  
Without Valid NOC Date (TO)

25 - 02 - 2026

DAILY QUANTUM OF  
EXTRACTION (m3/day)(KLD)

22

ANNUAL QUANTUM OF  
EXTRACTION (m3/Year)(KLY)

6600

Total No Of Days (A)	Rate (B)	Quantum (m3/Year) (C)	Period in Years (D)	Total Illegal GW Extraction(KL) during EC Period (~E=C*D)	EC Amount (Rs) (~F=B*E)
1151	80.00	6600	3.15342	20813	1665040 /- (Rupees Sixteen Lakh Sixty Five Thousand Forty Only)

**Note:**

- 1- These Environmental Compensation charges varies with the changes in the selected category of block w.e.f 1st January of each year.
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Submit

Reset