

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

Original Application No. 1348 of 2024

IN THE MATTER OF:

ANAND PURI GOVIND GARG TANK ROAD
RESIDENTS WELFARE ASSOCIATION

... Applicant

Versus

GOVT. OF NCT OF DELHI AND ORS.

... Respondents

N.D.O.H.- 28.04.2026

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Applicant

Through:



(Sansar & Vinay)
Counsels for the Applicant
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Email ID: sansar.kumar2018@gmail.com
advvinay10@gmail.com

Place - Delhi
Date - 23/04/2026

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**APPLICANT'S REPLICATION TO THE COUNTER AFFIDAVIT
FILED BY THE RESPONDENT No. 09 – KALINDI COLLEGE**

The applicant denies all allegations, averments, and contentions raised in the counter affidavit/Reply except those specifically admitted in the Original Application and reiterated herein with supporting documents. The counter affidavit/Reply is evasive, factually incorrect, and legally unsustainable, misleading, and devoid of substantive rebuttal to the environmental violations raised in the Original Application. The applicant's case is founded on the constitutional mandate under Articles 21, 48-A, and 51-A(g), the National Green Tribunal Act, 2010, Water Act 1974, Environment Protection Act and the public trust doctrine.

Preliminary Submissions:-

At the outset, the Applicant denies each and every allegation, contention, and submission made in the affidavit of the Respondents, unless specifically admitted herein. The objections are misconceived,

legally untenable, and intended to deflect attention from the substantive environmental violations raised in the Original Application. The OA is maintainable, within limitation, and squarely within the jurisdiction of this Hon'ble Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2010.

1. That the action of the Respondents, of filling up/destroying the natural lake is illegal, arbitrary, and contrary to statutory provisions. The Respondents and the concerned authority have acted in grave violation of the Water (Prevention and Control of Pollution) Act, 1974, as well as against the constitutional safeguards under Article 21 and Article 48A of the Constitution of India.
2. That under Section 24 of the Water Act, 1974, no person shall knowingly cause or permit any poisonous, noxious, or polluting matter to enter into any stream or well or sewer or on land. The act of filling a natural lake amounts to rendering the water body unusable and constitutes pollution within the meaning of Section 2(e). Hence, the Respondent's act is a direct violation of Section 24. The same can be completely evident from the communication shared between the Respondent No. 07 & Respondent No. 09 dated 30.07.1980, and is annexed herewith as **Annexure A-28**.
3. That Section 25 of the Water Act mandates prior consent of the State Pollution Control Board for establishing any industry, operation, or process likely to discharge sewage or trade effluent into a stream or well or sewer or on land. The act of filling a lake, being an operation that alters and destroys a water body, required prior consent. No such consent has been obtained, rendering the act illegal. The most evident proof of the violation and destruction of environment/natural pond, is the communication dated 22.12.1979, between Respondent No. 09 & Respondent No. 07 about the portion of pond already in

possession of the Respondent No. 09, saying that the "filling of pond with debris is bearing no result", is annexed herewith and is marked as **Annexure A-29**.

4. That Section 48 of the Water Act makes government departments equally liable for offences under the Act. The Respondent being a government authority cannot claim immunity. The Head of Department is deemed guilty unless he proves due diligence. Hence, the Respondent's act more particularly Respondent No. 07, attracts penal consequences under Section 48.
5. That the destruction of a natural lake violates Article 21 of the Constitution, which guarantees the right to life including the right to a wholesome environment. Further, Article 48A casts a duty on the State to protect and improve the environment, and Article 51A(g) imposes a duty on citizens to protect natural resources. The Respondent's act is contrary to these constitutional mandates. The presence of the natural lake can clearly be established from the file noting of the Respondent No. 07, which is annexed herewith as **Annexure A-30(Colly)**. Since, the subject land was a 'Nazul land' and hence prior to DDA action of leasing out the subject land to Respondent No. 08 & 09, no formal map of the area could be found in the DDA's records.
6. That natural resources such as lakes are held by the State in trust for the benefit of the public. The Respondent's act of filling the lake amounts to breach of the public trust doctrine, as recognized by the Hon'ble Supreme Court in subsequent jurisprudence.
7. That even if the act was committed somewhere around 1984, the environmental damage is continuing in nature. The destruction of the lake constitutes a continuing wrong, and hence limitation under

Section 18 of the NGT Act does not bar the present proceedings. The Respondents including the school have been making changes and undertaking construction and alteration of their respective area, all through out these years, moreover none of them ever took environment clearance for such alteration or construction as required under the relevant statute and bye-laws.

There act has caused deprivation of applicant's locality from enjoying the nature bounty and for all these years, has caused grave damage as well as depletion of ground water and inundation of the applicant locality every year and still continues, as can be seen from the photographs of inundated by-lanes of the applicant locality annexed with OA.

Para-wise Replication to the Reply of the Respondent No. 09:

Para 01 and 02: The contents of the Counter Affidavit/ reply in para 1 and 2 are matter of record, hence needs no reply.

Para 03: The contents of para 3 of the Respondent's Counter Affidavit/ reply are denied. The Deponent states that he is serving for the Respondent no. 9 from the year 2006 only, but the applicant's case is that there was lake/ pond/ water body around the year 1983 when the land was allotted to the Respondent no. 9 by the Respondent no. 7. The respondent's assertion that no pond ever existed is contrary to contemporaneous revenue records, site inspection reports, and historical correspondence. The Respondent No. 09 should have filed the records/ documents from the very beginning regarding the allotment of land to the Respondent No. 9 to prove their averments and seems to be deliberate attempt to conceal material facts from the Hon'ble Tribunal.

Para 04 and 05: That the contents of para 4 and 5 of the Respondent's Counter Affidavit/ Reply are denied in entirety. The Respondent no. 9 has nothing in their hand to prove their case of non-existence of lake/ pond/ water body around the year 1983 when the land was allotted to the Respondent no. 9 by the Respondent no. 7, that is the reason they are only relying on the bogus/misleading/misconceived reply filed by the Respondent no. 7 i.e., DDA to the Original Application.

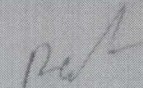
Para 06 and 07: That the contents of para 6 and 7 of the Respondent's Counter Affidavit/ Reply are denied in entirety. The Respondent no. 9 is the destroyer of the natural lake/ pond/ water body on which their college is build, they should be held liable for the same for destroying and damaging the environment especially in the place like Delhi where pollution have crossed all the limits and records and the citizen of the national capital of the country are suffering. And there has been news that due to the diminishing ground water level of Delhi the government may introduced Rain water harvesting as mandatory norm before sanction any building and allotting land for any development work.

PRAYER

In view of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

1. Take this replication on record;
2. Reject the Counter Affidavit/ Reply filed by the respondents;
3. Direct immediate restoration and protection of the pond/open space;
4. Direct removal of obstructions to public access;

Pass such other order(s) as may be deemed just, fit, and proper in the facts and circumstances of the case.


Applicant

Through



Sansar & Vinay
(Counsel for Applicant)

Gizly Associates

E-59, Ground Floor. Sector-27,
Noida-201301 (UP)

Ph: 9999093027; 9952296375

Email: sansar.kumar2018@gmail.com;
advvinay10@gmail.com

Date: 23.04.2026
Place: New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with section 14 and 15 of NGT Act,
2010)

ORIGINAL APPLICATION NO. 1348 OF 2024

IN THE MATTER OF:

Anand Puri Govind Garh Tank Road
Residents Welfare Association
Through Mr. Ranjeet Kumar
President/ Authorised Representative ... Applicant

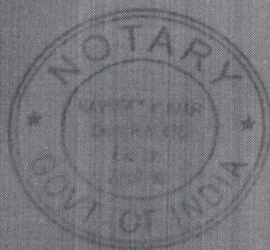
AND

Government of NCT of Delhi and Ors. ... Respondents

AFFIDAVIT

I, Mr. Ranjeet Kumar, son of Shri Hanuman, aged about 49 years, resident of 16/31-32, Gali No.2, Tank Road, Karol Bagh, New Delhi - 10005, do hereby solemnly affirm and state that:

1. That I am the am the President/ authorised representative of the Applicant Association herein, and as such, I am conversant with the facts and circumstances of the case and am competent to affirm the present affidavit.
2. That I have read the contents of the accompanying Replication/ Rejoinder, which has been drafted under my instructions, and I say that the contents thereof are based on records maintained by the Applicant in the ordinary course of business, which I believe to be true and correct to the best of my knowledge and belief.



3. That the content of the accompanying Replication/ Rejoinder have been explained to the deponent in the language which he understood and found it correct as per the instructions given by the deponent and nothing material has been concealed from this court.

Handwritten signature
23/02/2026

Handwritten signature
DEPONENT

VERIFICATION:-

23 APR 2026

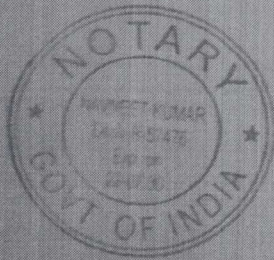
Verified at Delhi on this day of 2026 that the contents of my above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

Handwritten signature
DEPONENT

SWORN BEFORE ME

ATTESTED

Handwritten signature
NAVJEET KUMAR
NOTARY DELHI-R-57476
Government of India
NEW DELHI,



23 APR 2026

EXECUTANT IDENTIFIED
BY SHRI *Handwritten signature*

Handwritten signature
23/03/2026

S-100, DDA Hog Market
Reyenda Place, New Delhi
Mob: 981007938

865

22

131-

30.7.1980

~~30.7.1980~~

The Director(OSB)
Delhi Development Authority.

Dr. (Mrs) N. Kapil,
Principal,
Kalindi Collage,
East Patel Nagar,
New Delhi.

Sub:- Allotment of additional land to kalindi Collage
in the East of East Patel Nagar Scheme.

.....

Madam,

With reference to your letter No. ^{Copy} KVC./EPA/EO/A-12/
837 dated 21/6/1980 on the above subject addressed to
the Lt. Governor, Delhi, I am to inform you that the ownership
of the existing land in the possession of the collage
Authorities is not clear.

The increase in the area of this plot more than 4.81
acres (including the existing area in question) is not possible
and the proposed plot would be bounded by an existing road
on the south, proposed master plan road on the north and East
and an existing boundary of the collage in the West. The
pond would not be filled up by the DDA. Diversion of the drains
passing through the existing campus of the collage shall
be done by the DDA and not by the collage Authorities.

In case the collage Authorities are prepared to take
over possession of land measuring 4.81 acres including
the existing pond in the possession of the collage
as shown in the plan annexed, acceptance in writing may
please be sent to the office within 15 days from the date
of receipt of this letter. Adjustment in the premium would
be made after it has been confirmed that collage Authorities
possess more than 2 acres of land.

Yours Faithfully.

sof

(B.K. Malhotra)
Director(OSB) DDA.



कालिन्दी कॉलिज, पूर्वी पटेल नगर, नई दिल्ली-८
(दिल्ली विश्वविद्यालय)

Telephone No. 587604

Kalindi College,
(Delhi University)
East Patel Nagar, New Delhi-8

Ref. No. KC/EPN/78-79/A-12/ 13354

Dated 22.12.79

Mr. Ranbir Singh,
Deputy Director (O.S.B.),
Delhi Development Authority,
Vikas Minar,
New Delhi

Subject: Allotment of additional land measuring
2.81 acres to Kalindi College.

Sir,

Please refer to your letter No.5/12(1)/79-PT, dated 2.7.1979.

A portion of the land to be allotted and handed over to the College, includes the dirty water pond. We have started filling up this pond adjacent to our College. But the construction maiba being dumped is not producing satisfactory results. It is, therefore, requested that arrangements may please be made for draining out the pond water by pumps. This will ensure proper use of land and the dirty sewage water will also be removed.

An early action will be greatly appreciated.

Yours faithfully,

J. K. Kapil
Principal

-: 103 :-

From-pre-page

land measuring 3.79 acres is made to the College, the total area shall be 8.11 acres which will suit their requirements. Out of the area of additional land of 3.79 acres, we have already allotted 2.81 acres against which a premium of Rs.14,050 has also been received, though the possession of this land has not so far been handed over because demarcation of this area is not feasible as has been explained by Dy. Dir. (ZP) in his note at page 99-100/N.

3. 2.81 acres of land out of the total area of additional land approx. 3.79 acres already sta allotted to the College. The balance area of 0.98 acres is to be allotted. The Principal of the requested that this area of 0.91 acres may at the back of the Pond as it could not be at this stage as to how long it will take the Pond. The land requested for has been in the Plan placed alongside. The Principal of the College is of the opinion that in case this strip of land is allotted, they shall be able to construct a boundary wall which will provide security to the students and would also restrict the trespassers.

4. It is understood that the former L.G. also visited this area on 12.3.81 and indicated the approximate site and the extent of additional land with its boundaries to be given to the College and also directed P.W.D./Delhi Administration to immediately construct the boundary wall around the additional land to be made available to the College. We have also received a communication to this effect bearing No.F.17/Site/85/Kalindi/B1/CW-5621-25 dated 7.5.81 from the Director of Education, Delhi Administration.

5. The main issue now, which needs examination is whether an area of 0.91 acres can be allotted at the back of the existing pond as requested by the Principal of the College.

Commissioner(L) may kindly see and forward the case to Commissioner (Planning).

W.A. ... 10.31
23/7/81
...

6725 04
28/7

Commr. (L)

Asst. Dir. (OSB)
22.7.81

From-pre-page

Land measuring 3.79 acres is made to the College, the total area shall be 8.11 acres which will suit their requirements. Out of the area of additional land of 3.79 acres, we have already allotted 2.81 acres against which a premium of Rs. 14,050 has also been received, though the possession of this land has not so far been handed over because demarcation of this area is not feasible as has been explained by Dy. Dir. (ZP) in his note at page 99-100/N.

3. 2.61 acres of land out of the total area of additional land approx. 3.79 acres already allotted to the College. The balance area of 0.9 acres is to be allotted. The Principal of the (ineligible) requested that this area of 0.91 acres may (ineligible) at the back of the Pond as it could not (ineligible) at this stage as to how long it will take (ineligible) the Pond. The land requested for has been (ineligible) in the Plan placed alongside. The Prin (ineligible) College is of the opinion that in case the strip of (ineligible) land is allotted, they shall be able to construct a boundary wall which will provide security to the students and would also restrict the trespassers.

4. It is understood that the former L.G. also visited this area on 12.3 and indicated the approximate site and the extent of additional land with its boundaries to be given to the College and also directed P.W.D./Delhi Administration to immediately construct the boundary wall around the additional land to be made available to the College. We have also received a communication to this effect bearing No.F.17/Site/85/Kalindi/B1/CW-6621-25 dated 1.5.81 from the Director of Education, Delhi Administration.

5. The main issue now, which needs examination is whether an area of 0.91 acres can be allotted (ineligible) at the back of the existing pond as requested by the Principal of the College.

Commissioner(L) may kindly see and forward the case to Commissioner (Planning).

Ashok Bakah
Dir. (058)
22.7.61/

Typed Copy

104.

Pl. examine quickly.

edmm
25/7

air (ep)
DPS)

PP
1/78

Pl. discuss early.

Area U,

For RTI Use Only
12/9

Discussed with J.D. (S).

Pl. fix up the date for site inspection
as desired by you.

P.L. ~~Ally~~
27.2.9.81

By J.D. (S)

The site has been inspected with J. Dir. (PP) on 7-11-1981. The feasibility of the site demarcation including the allotment of an additional area of 0.98 acre was discussed. It is pointed out that the college is already in possession of 4.32 acres of land and an area of 2.81 acres has further been allotted for which the college authorities have deposited the amount against premium of Rs. 14050. Further the college has requested for allotment of an area of 0.98 acres more on the back of pond. After ~~allotment~~ the required areas the ~~classing~~ total college complex area would be as under:-

1.	Area already under possession	= 4.32 acres
2.	Area allotted	= 2.81 "
3.	Addl. area prop. for allotment	= 0.98 "
	Total	= 8.11 "

As per ~~the~~ the additional area of 0.98 acres can also be allotted to make total commitment of 8.11 acres as agreed upon by Director (OSB) on page 4.

Regarding demarcation of boundary of college site a deep pond is in existence in the back of college as shown in the survey plan placed opposite. Catchment of this pond is nearby locality known as Tank Road area which is at an higher altitude. During monsoon the level of this pond rises considerably and water flows through the existing college building, thus meeting with the lake area developed by J.D. for Prasad Nagar.

Contd...../-



871
Proof of Service

14

VINAY KUMAR <advvinay10@gmail.com>

**ADVANCE SERVICE - COPY OF REPLICATION ON BEHALF OF THE APPLICANT
IN O.A. NO 1348 OF 2024 BEFORE NGT, AS ADVANCE SERVICE**

1 message

VINAY KUMAR <advvinay10@gmail.com>

Mon, Apr 27, 2026 at 1:58 PM

To: rupalmohinder@gmail.com, Hardik Rupal <hardikrupal@gmail.com>

Bcc: sansar.kumar2018@gmail.com

Sir,

Please find attached herewith the copy of Replication on behalf of the Applicant in the matter - "Anand Puri Govind Garg Resident Welfare Association Vs. Govt of NCT of Delhi & Ors.", OA No. 1348/2024 before the Hon'ble National Green Tribunal Principal Bench, New Delhi.

Note:- This email may be used for litigation purposes as a proof of service.

--

REGARDS

VINAY
ADVOCATE**Kalindi College Replication.pdf**

7892K