

Before The Hon'ble National Green Tribunal

Principal Bench, New Delhi

Original Application No. 595/2018

IN THE MATTER OF:

Sri B. Raghupathy

Applicant

Versus

Union of India & Ors.

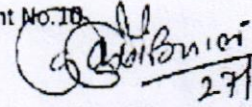
Respondent (s)

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Respondent No. 10

Filed by



27/1/2025

New Delhi Dated 27/01/2025 Anil Kumar Dhaundiyal

Administrator

संस्थापक/अधीक्षक / Central Ground Water Authority

भारत सरकार / Government of India

जल शक्ति मंत्रालय / Ministry of Jal Shakti

एन सीपीएम नदी विकास और ग्रामीण विकास

GIGI.C.GEORGE, ADVOCATE sources, RD & GR

नई दिल्ली / New Delhi

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NATIONAL GREEN TRIBUNAL

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M-9810625315

(For R-10)



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IN THE MATTER OF:

Sri.B.Raghupathy

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Respondent (s)

REPLY ON BEHALF OF CENTRAL GROUND WATER AUTHORITY (R-10)MOST RESPECTFULLY SHOWTH:-

1. I, Vinod Kumar Dhaundiyal, aged about 49 years, working as Administrator, in Central Ground Water Authority (CGWA), Ministry of Jal Shakti, Water Resources, River Development and Ganga Rejuvenation, having office at 18/11, Jam Nagar House, Man Singh Road, New Delhi-110011, do hereby solemnly affirm and state on oath as under on behalf of CGWA (Respondent No.10) hereinafter referred to as Answering Respondents.
2. That I in my official capacity, well conversant with the facts and circumstances of the present case on the basis of the documents and records available in the department. As such, I am competent and authorized to swear this counter affidavit on behalf of the answering respondent.
3. That I have read and understood the contents of the present affidavit and states that the contents mentioned in the Affidavit are true and correct to the best of my knowledge.

Brief submission:

4. That the present OA was filed by the applicant wherein issue of non-compliance of the mandatory requirement of Environmental Clearance (EC) by the New Ark Project (R-12) was raised. The project was alleged to consist of high rise residential apartments and commercial complex. Matter was listed on 1st October, 2024 wherein Hon'ble Tribunal directed to issue notice to the unrepresented parties/respondent. The Central Ground Water Authority received notice along with OA 595/2018 on 08/11/2024.

Para Wise Reply

5. That averments contained in para 1 to 2 are related to gross violation of Environment by the Respondent No.12. Being the statement of facts, does not pertain to the answering respondent. Hence, needs no comments from answering respondent.
6. That averments contained in para 3 are related to violation of environmental rules by the R-12 and in this para, issues related to illegal extraction of groundwater, utilization of water, generation of sewage and polluting the groundwater were also raised. In this regard, it is most respectfully submitted that groundwater management and development in the State of Karnataka is being regulated and controlled by State Ground Water Authority. The Govt. of Karnataka has passed the "KARNATAKA GROUND WATER (REGULATION AND CONTROL OF DEVELOPMENT AND MANAGEMENT) ACT, 2011" KARNATAKA ACT NO 25 OF 2011 to regulate and control the development and management of ground water and matters connected therewith or incidental thereto. This Act came into force w.e.f. 20.06.2011 by Notification No. Sa Ni E36 A Ja A 2003, dated: 13.06.2011. Published in Karnataka Gazette Part IV-A, dated: 14.07.2011 at Page 1197. The Karnataka Ground Water Authority (KGWA), Government of Karnataka has been constituted under this act and KGWA is the statutory body in Karnataka concerned with matters pertaining to regulation of ground water withdrawal and grievances related to illegal ground water abstraction, issuance/renewal of NOC for ground water withdrawal and mining of ground water. The KGWA has been constituted and functional in Karnataka since 01.4.2013.
7. That averments contained in para 4 to 5 are related to other respondents. Being the statement of facts does not pertain to the answering respondent. Hence, needs no comments from answering respondent.
8. That averments contained in para 6 to 7 are related to judgment of Hon'ble Tribunal in OA No. 222 of 2014 passed on 07.05.2015 and 04.05.2016. Being the statement of facts, do not need any reply from the answering respondent.

9. That averments contained in para 8 to 16 are related to other respondents. Being the statement of facts does not pertain to the answering respondent. Hence, need no comments from answering respondent.
10. That in the response of averments contained in para 17-18, it is most respectfully submitted that groundwater management and development in the state of Karnataka is being regulated and controlled by State Ground Water Authority i.e. The Karnataka Ground Water Authority (KGWA), Government of Karnataka has been constituted under this act and KGWA is the statutory body in Karnataka concerned with matters pertaining to regulation of ground water withdrawal and grievances related to illegal ground water abstraction, issuance/renewal of NOC for ground water withdrawal and mining of ground water. The KGWA has been constituted and functional in Karnataka since 01.4.2013.
11. That averments contained in para 19 to 26 is related to other respondents. Being the statement of facts and do not pertain to the answering respondent. Hence, need no comments from answering respondent.
12. That averments contained in para 27 to 30 are matter of record. Being the statement of facts, matter of record. Hence, needs no comments from answering respondent.
13. That averments contained in para 31-77 is related to other respondents. Being the statement of facts do not pertain to the answering respondent. Hence, need no comments from answering respondent.

Reply to Grounds

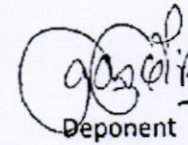
14. That the averments in the grounds from point A to F related to other respondents. Do not pertain to the answering respondent. Hence, needs no comments from answering respondent.
15. That in the response of averments contained in point G, it is most respectfully submitted that CGWA is not regulating groundwater in the State of Karnataka as The Karnataka Ground Water Authority (KGWA) is responsible for licenses, renewals, clearances, No Objection Certificate (NOC), completion certificates, occupancy certificate for project in question.

Accordingly, Project proponent (PP) has to obtain NOC from KGWA. Extraction of Groundwater without valid NOC from KGWA is illegal extraction of groundwater. Project Proponent is liable to pay EC for illegal extraction of groundwater, if any.

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Reply to grounds (H-P)

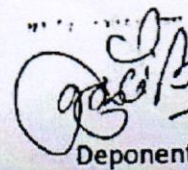
16. That the averments in the grounds from point H to P related to other respondents. Do not pertain to the answering respondent. Hence, need no comments from answering respondent.


Deponent 27/1/25

विनोद कुमार धौंडियाल / Vinod Kumar Dhaundiyal
प्रशासक / Administrator
केन्द्रीय भूमि जल प्राधिकरण / Central Ground Water Authority
भारत सरकार / Government of India
जल शक्ति मंत्रालय / Ministry of Jal Shakti
जल संवर्धन नदी विकास और रक्षा विभाग
Department of Water Resources, RD & GR
नई दिल्ली / New Delhi

Verification

Verified at New Delhi on 27th Jan. 2025 that the contents of above affidavit is true and correct to the best of my knowledge and belief, nothing material has been concealed therefrom.


Deponent 27.01.25

विनोद कुमार धौंडियाल / Vinod Kumar Dhaundiyal
प्रशासक / Administrator
केन्द्रीय भूमि जल प्राधिकरण / Central Ground Water Authority
भारत सरकार / Government of India
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