

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 288 of 2026

In the matter of:

Sagar Paper Mills Pvt. Ltd

...Applicant

Versus

Central Ground Water Authority

...Respondent

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Respondent

विनोद कुमार धौंडियाल / Vinod Kumar Dhaundiyal
प्रशासक / Administrator
केन्द्रीय भूमि जल प्राधिकरण / Central Ground Water Authority
जल संसाधन, नदी विकास एवं गंगा संरक्षण
Deptt. of Water Resources, River Development & Ganga Rejuvenation
जल शक्ति मंत्रालय / Ministry of Jal Shakti
भारत सरकार / Government of India

FILED BY:-

(Central Ground Water Authority)

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DATE 10-07-2026

PLACE

New Delhi

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
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REPLY ON BEHALF OF CENTRAL GROUND WATER AUTHORITY

It Most Respectfully Showeth:-

I, Vinod Kumar Dhaundiyal S/o Shri Ramesh Chandra Dhaundiyal, aged about 51 years working as Administrator in Central Ground Water Authority having office at 18/11, Jam Nagar House, New Delhi the deponent herein do hereby solemnly state and affirm as under: -

1. That the present report is being filed by Central Ground Water Authority (CGWA) through Vinod Kumar Dhaundiyal working as Administrator having office at New Delhi who is authorized and competent to file the same on behalf of the answering respondent.
2. That I am in my aforementioned 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 sign this reply on behalf of Respondent No.1 i.e. Central Ground Water Authority (hereinafter referred to as "answering respondent").
3. That the present Original Application has been preferred by the Applicant challenging the demand of Rs.68,04,274/- (Rupees Sixty-Eight Lakh Four

Thousand Two Hundred Seventy-Four Only) communicated by the Central Ground Water Authority vide e-mail dated 05.08.2025.

BRIEF SUBMISSIONS

4. That the Applicant has filed the present Original Application seeking, inter alia, quashing of the demand letter dated 05.08.2025 issued by the answering respondent and further seeking a direction to the answering respondent to renew No Objection Certificate (NOC) bearing No. CGWA/NOC/IND/ORIG/2020/8529.
5. That pursuant to the directions issued by the Hon'ble Supreme Court in M. C. Mehta v. Union of India, vide order dated 10.12.1996, the Central Government constituted the Central Ground Water Authority under Section 3(3) of the Environment (Protection) Act, 1986 vide Notification No. S.O.38(E) dated 14.01.1997, for the purpose of regulating and controlling groundwater development and management throughout the country.
6. That the Central Ground Water Authority is regulating extraction and management of groundwater by granting No Objection Certificates (NOCs) to industries, infrastructure projects, mining projects and other users in accordance with the applicable regulatory framework. The Authority has issued guidelines from time to time to ensure sustainable management of groundwater resources. At present, the Ministry of Jal Shakti Guidelines dated 24.09.2020, as amended on 29.03.2023, govern the regulation of groundwater extraction in those States and Union Territories where groundwater abstraction is regulated by the Central Ground Water Authority.
7. That prior to filing the present Original Application, the Applicant had preferred Appeal No.36 of 2025, titled *Sagar Paper Mills Pvt. Ltd. vs. Central Ground Water Authority*, before this Hon'ble Tribunal challenging the demand order dated 19.03.2025 issued by the answering respondent.

During the pendency of the said Appeal, the answering respondent reviewed the computation and consequently withdrew the demand order dated 19.03.2025, issuing a revised demand dated 05.08.2025, whereby the applicable charges were recalculated at Rs.68,04,274/-, in place of the earlier demand of Rs.81,98,744/-.

The Hon'ble Tribunal, vide order dated 06.01.2026, dismissed the said Appeal after taking note of the fact that the earlier demand order had already been superseded by the revised demand dated 05.08.2025. However, liberty was granted to the Applicant to challenge the revised demand in accordance with law before the appropriate forum.

8. That being aggrieved by the revised demand communication dated 05.08.2025, the Applicant has filed the present Original Application seeking to set aside the said demand and further seeking renewal of the NOC bearing No. CGWA/NOC/IND/ORIG/2020/8529.

PARA-WISE REPLY

9. That in reply to the averments contained in Paragraphs 1 and 2 of the Original Application, it is respectfully submitted that the contents thereof are matters of record and, require no specific reply.
10. That, in reply to the averments contained in Paragraphs 3(a) to 3(f) of the Original Application, it is respectfully submitted that the No Objection Certificate (NOC) bearing No. CGWA/NOC/IND/ORIG/2020/8529 was valid up to 25.08.2022. However, the Applicant failed to submit an application for renewal within the prescribed period and submitted the renewal application only on 09.01.2023, after an unexplained delay of more than four months.

The allegation that the Applicant was continuously attempting to submit the renewal application but was prevented from doing so on account of technical issues in the NOCAP Portal is false, baseless, unsupported by any

documentary evidence and is, therefore, specifically denied. During the said period, the NOCAP Portal was fully operational and functional. The Applicant has failed to produce any record, such as screenshots, error logs, e-mails, representations or complaints addressed to the Authority, evidencing any technical impediment in accessing the portal.

It is further submitted that during the period from 25.08.2022 to 09.01.2023, the answering Respondent successfully received 5630 applications through the NOCAP Portal, thereby demonstrating that the portal was functioning normally throughout the relevant period.

Accordingly, the delay in submission of the renewal application is solely attributable to the Applicant, who cannot seek to shift the consequences of its own inaction upon the answering Respondent.

11. That in reply to the averments contained in Paragraphs 3(g) to 3(l) of the Original Application, it is respectfully submitted that the contents thereof relate to the earlier demand order dated 19.03.2025, the Appeal preferred by the Applicant before this Hon'ble Tribunal, the subsequent issuance of the revised demand dated 05.08.2025, and the order passed by this Hon'ble Tribunal in Appeal No. 36 of 2025. The said facts are matters of record and, therefore, require no specific reply.
12. That in reply to the averments contained in Ground 4(A) of the Original Application, it is emphatically denied that the demand communicated vide e-mail dated 05.08.2025 is arbitrary, illegal or unsustainable in law.

It is respectfully submitted that the said demand is a revised and corrected demand issued strictly in accordance with the Guidelines for Regulation and Control of Ground Water Extraction dated 24.09.2020, as amended on 29.03.2023, issued by the Ministry of Jal Shakti.

The demand has been computed objectively on the basis of the applicable provisions and consists of (i) Ground Water Charges, (ii) Environmental

Compensation, and (iii) Penalties arising out of the Applicant's non-compliance with the conditions of the applicable earlier NOC. The revision of the earlier demand itself demonstrates the fairness and transparency adopted by the answering Respondent in reassessing the applicable charges. The head-wise computation and justification for each component of the demand are annexed herewith as **Annexure-I**.

(a) Ground Water Charges have been calculated for the relevant periods strictly in accordance with the applicable rates prescribed under the Guidelines.

(b) Environmental Compensation has been levied only for the period during which the Applicant continued to abstract groundwater without holding a valid NOC, consequent upon its failure to apply for renewal before the expiry of the earlier NOC.

(c) The penalties have been imposed for specific violations committed by the Applicant, including non-installation of mandatory monitoring devices, failure to maintain statutory records, non-submission of prescribed groundwater data and delayed submission of the renewal application, all of which constitute violations under the applicable Guidelines.

Accordingly, the demand dated 05.08.2025 is legal, valid, reasoned and fully consistent with the applicable regulatory framework.

13. That in reply to the averments contained in Ground 4(B) of the Original Application, it is respectfully submitted that the contents thereof are matters of record and, therefore, require no specific reply.
14. in reply to the averments contained in Grounds 4(C) and 4(D), it is respectfully submitted that the Applicant has failed to produce any documentary to substantiate the allegation that the NOCAP Portal was experiencing technical difficulties or that repeated attempts were made by

the Applicant to submit the renewal application or deposit the applicable groundwater abstraction charges.

In the absence of any such evidence, the allegations made by the Applicant are wholly vague, self-serving and devoid of merit and are accordingly denied. The answering Respondent reiterates that the portal remained fully operational throughout the relevant period.

15. That in reply to the averments contained in Ground 4(E) of the Original Application, it is respectfully submitted that the contents thereof are matters of record and, therefore, require no specific reply.
16. That in reply to the averments contained in Ground 4(F), it is respectfully submitted that the allegation that the answering Respondent has improperly clubbed two distinct issues, namely renewal of the NOC and recovery of Environmental Compensation, is wholly misconceived and is specifically denied.

It is submitted that under the applicable Guidelines, grant or renewal of a No Objection Certificate is subject to complete compliance with all statutory requirements, including payment of Ground Water Charges, Environmental Compensation, penalties and all other applicable dues. Consequently, unless all outstanding liabilities are duly discharged, the Applicant cannot claim renewal of the NOC as a matter of right.

The action of the answering Respondent is therefore fully consistent with the applicable Guidelines and cannot be termed arbitrary or illegal.

17. That in reply to the averments contained in Ground 4(G), it is respectfully submitted that the allegation regarding violation of the principles of natural justice is wholly misconceived, untenable and therefore denied.

It is submitted that upon receipt of the Applicant's renewal application and the accompanying documents, the applicable statutory charges were duly assessed and communicated to the Applicant in accordance with the process.

The assessment of Ground Water Charges, Environmental Compensation and penalties is a statutory consequence flowing from applicable Guidelines and Applicant's non-compliance with the NOC conditions and does not require issuance of a separate Show Cause Notice prior to communication of the assessed dues.

The Applicant has not demonstrated any prejudice caused to it, nor has it shown any provision under the applicable Guidelines mandating issuance of a Show Cause Notice in such circumstances. Accordingly, the allegation regarding violation of the principles of natural justice is liable to be rejected.

18. That in reply to the averments contained in Grounds 4(H) to 4(L), it is respectfully submitted that the said averments are contrary to the applicable Guidelines and are specifically denied.

It is submitted that under the Guidelines dated 24.09.2020, as amended on 29.03.2023, it is a mandatory statutory requirement that all applicable Ground Water Charges, Environmental Compensation, penalties and other dues, wherever applicable, are required to be deposited before renewal of the No Objection Certificate can be considered.

Since the Applicant admittedly failed to comply with the aforesaid statutory requirements, it cannot claim renewal of the NOC as a matter of right. The answering Respondent has acted strictly in accordance with the applicable Guidelines and there has been no illegality, arbitrariness or procedural impropriety in the impugned action.

19. That the averments contained in Paragraphs 5 and 6 of the Original Application relate to the question of limitation and the jurisdiction of this Hon'ble Tribunal. The same are matters of record and require no specific reply.

20. That in reply to the averments contained in Paragraph 7 of the Original Application, it is respectfully submitted that the Applicant continued to

extract groundwater despite the expiry of its earlier No Objection Certificate and without complying with the mandatory requirements prescribed under the applicable Guidelines. Consequently, the Applicant has rightly been held liable to pay the Ground Water Charges, Environmental Compensation and penalties as assessed by the answering Respondent.

The impugned demand dated 05.08.2025 has been issued strictly in accordance with guidelines and after due application of mind. The present Original Application is devoid of merit and deserves to be dismissed.

21. In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the present Original Application, uphold the legality and validity of the demand dated 05.08.2025, and pass such other and further order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice.



DEPONENT

बिनोद कुमार डोड्डियाल / Vinod Kumar Dhaundiyal
प्रशासक / Administrator
केन्द्रीय भूमि जल प्राधिकरण / Central Ground Water Authority
जल संसाधन, नदी विकास एवं गंगा संरक्षण
Deptt of Water Resources, River Development & Ganga Rejuvenation
जल शक्ति मंत्रालय / Ministry of Jal Shakti
भारत सरकार / Government of India

Verification

Verified at New Delhi on 10th July 2026 that the contents of the above reply affidavit are derived from the official records and personal knowledge and are correct and true to the best of my knowledge and belief. Nothing material has been concealed therefrom.



DEPONENT

बिनोद कुमार डोड्डियाल / Vinod Kumar Dhaundiyal
प्रशासक / Administrator
केन्द्रीय भूमि जल प्राधिकरण / Central Ground Water Authority
जल संसाधन, नदी विकास एवं गंगा संरक्षण
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Annexure-II

Head-wise Charges

Sl.	Description	Period	Reason	Amount in Rs.
1	Ground Water Charges	24.09.2020 to 25.08.2022 (701 Days) as arrears	The previous NOC was valid for the period 26.08.2020 to 25.08.2022. The present guidelines came into existence wef 24.09.2020 with provision for ground water charges. Accordingly, the appellant is liable to pay ground water charges (as arrears) for the part-period 24.09.2020 till the validity end of previous NOC for the quantum of NOC (which was 900 KLD) as per annual operational days.	(701 Days) x (330/365) x 900 KLD x 2.00 Rs (applicable for Safe category) = Rs 11,40,805/-
		06.02.2023* to 08.11.2024 (*for the period 26.08.2022-05.02.2023 EC has been imposed, details provided later in this table)	Ground water charges calculated at the quantum 900 KLD during this period.	(642 days (330/365)*900 KLD* Rs. 2.00 (applicable for safe category) = Rs 10,44,789/-
		09.11.2024 to 05.02.2025	Charges on reduced quantum: On review of Water Audit report on 08.11.2024, quantum was reduced by 4%. Accordingly, application was processed for quantum 864 KLD and charges calculated accordingly.	(454 days)x(330/365) x 864 KLD x 2.00 Rs (Safe category) = Rs 7,09,285/-
	Amount paid by the appellant on 06.09.2023			Rs. 5,94,000/-
	Balance ground water charges to be paid			Rs. 11,60,074/- (10,44,789+7,09,285-5,94,000)
2	Environmental Compensation	26.08.2022 to 05.02.2023 (Applicant applied late for renewal after expiry of previous NOC)	Appellant paid the renewal fee on 06.02.2023. Accordingly, EC has been imposed from 26.08.2022 to 05.02.2023.	(164 days) x (330/365) x 900 KLD x Rs. 30 (applicable for safe) x 1.00 (Deterrent Factor) = Rs. 40,03,397/-
3	Penalty	(i)	Non-installation of digital flow meter with telemetry system	Rs. 2,00,000/-
		(ii)	Non-maintenance of logbook of daily withdrawal/ non-submission of groundwater abstraction data	Rs. 50,000/-
		(iii)	Non-installation/faulty DWLR/ Telemetry system	Rs. 1,00,000/-
		(iv)	Non-submission of water level/ water quality data	Rs. 50,000/-
		(v)	Late submission of renewal application.	Rs. 1,00,000/-