

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

OA No. 196/2022

IN THE MATTER OF:-

HARIOM GUPTA & ORS

.....APPLICANT

VERSUS

NAGAR PALIKA PARISHAD AND ORS

.....RESPONDENTS

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Filed By:-



NEW DELHI

DATED 01/04/2024

**RAJ KUMAR, MS. NEETU SINGH, ANKIT
CHOUDHARY AND SUMIT CHOUDHARY,**

COUNSELS FOR THE R-8

CH. NO.774, LAWYERS BLOCK, SAKET COURT,

NEW DELHI-110017

E. NO.D-1024/2001

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MOB:-9810007606

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REPLY FOR AND ON BEHALF OF R-8 namely M/s Gayatri Projects Limited
TO THE OA

HON'BLE SIR

IT IS SUBMITTED AS UNDER:-

PRELIMINARY SUBMISSIONS:-

1. That the Answering Respondent R-8 is a company incorporated under the provisions of the Companies Act and is a well reputed construction company having successfully completed many highways, expressways, tunnels, etc. projects in India.
2. That the project pertaining to "Development of six – lane access controlled in Uttar Pradesh portion of Delhi–Saharanpur Highway from Delhi/UP Border to EPE Junction (Ch.14.750 to Ch.31.600), in the State of Uttar Pradesh" was originally awarded to M/s Gayatri Projects Limited. However, since the company is under CIRP, the said Project is being implemented by the Answering Respondent as a Nominated Sub-contractor under the EPC Agreement and the extant guidelines of NHAI.

3. That the problem of accumulation of waste water which has been brought before the Ld. Tribunal vide the present OA is persisting from Km:19+655 to Km 19+800 LHS.
4. That the said problem of accumulation of waste water is not due to the activity of construction of road being undertaken by the Answering Respondent, but the said problem has been in existence much prior to the award of the Project Work and commencement of work by the Answering Respondent who has nothing to do with the accumulated water under question in the present OA.
5. That there is no direct or indirect role of the Answering Respondent in accumulation of water and solid waste as same is also duly explained by the Original Applicant in OA that the water is logging since years from the nearby colonies of Nagar Palika primarily due to the allowing of the waste dumping in the green belt by the Nagar Palika.
6. That the answering respondent is only liable to construct the Project road and there is only very small use of water in the construction of road since most of the material being used for the Project is pre-casted and is brought to the site for installing and fixing the same at the site.
7. That the Answering Respondent is in complete compliance of all the environmental laws and more particularly the Air (Prevention and Control of Pollution) Act, 1981 so that no air pollution is caused by the construction activity being undertaken by the Respondent.

8. That the answering respondent is also duly complying with the Water Prevention and Control of Pollution Act, 1974 and the Solid Waste Management Rules-2016 as amended up to date, so that no water pollution is caused by the construction activity of the Answering Respondent.
9. That the Answering Respondent is duly complying with and implementing the C&D Waste Rules as amended upto date, and there is no pollution in the area due to the construction activities of the Answering Respondent. The construction waste which has been generated has been disposed of by the Answering Respondent by transporting the same to the dedicated waste processing site as per law for safe and scientific disposal of the construction waste.
10. That the Answering Respondent is regularly spraying the water at the Site so as to settle down the dust and to abate the dust emission in the open air.
11. That the Answering Respondent has taken all the measures to abate and control the pollution on the construction site of answering respondent in compliance of the environmental laws.
12. The Project work is at an advanced stage and is likely to be completed soon.

REPLY ON MERIT:-

- 1-3 That the contents of para no.1-3 of the OA need no reply being matter of record.

REPLY ON MERIT TO THE FACTS IN BRIEF:-

1. That the contents of para no. 1 of facts in brief of OA need no reply being matter of record.
2. That the contents of para no. 2 of facts in brief of OA need no reply being matter of record.
3. That the contents of para no. 3 of facts in brief of OA need no reply being matter of record.
4. That the contents of para no. 4 of facts in brief of OA need no reply being matter of record.
5. That the contents of para no. 5 of facts in brief of OA are denied for want of knowledge as the same are not related with answering respondent.
6. That the contents of para no. 6 of facts in brief of OA need no reply being matter of record.
7. That the contents of para no. 7 of facts in brief of OA are denied for want of knowledge as the same are not related with answering respondent. The attached photographs need no response from the answering respondent as the same are not related with the answering respondent. However, it is submitted that the answering respondent had not thrown anything on the alleged site.

8. That the contents of para no. 8 of facts in brief of OA are denied for want of knowledge as the same of are not related with answering respondent.
9. That the contents of para no. 9 of facts in brief of OA are denied for want of knowledge as the same are not related with answering respondent.
10. That the contents of para no. 10 of facts in brief of OA are denied for want of knowledge as the same are not related with answering respondent.
11. That the contents of para no. 11 of facts in brief of OA are denied for want of knowledge as the same are not related with answering respondent.
12. That the contents of para no. 5 of facts in brief of OA are denied for want of knowledge as the same are not related with answering respondent.

REPLY TO THE GROUNDS:-

That the contents of grounds of OA need no reply being matter of record.

REPLY TO THE LIMITATION

That the contents of para for limitation of OA need no reply being matter of record.

REPLY TO THE PRAYER

In view of the above facts and submissions, it is therefore, humbly prayed to the Hon'ble Tribunal that the prayer of the applicant is a matter of record and needs no reply by the answering respondent.

PRAYER

In view of the above facts and circumstances, it is humbly prayed that no case is made out against the answering respondent however, the answering respondent will be bound by the orders of the Hon'ble Tribunal, in the interest of Justice.



AR of R-8

NEW DELHI

DATED 01/04/2024

**RAJ KUMAR, MS. NEETU SINGH, ANKIT
CHOUDHARY AND SUMIT CHOUDHARY,**

COUNSELS FOR THE R-8

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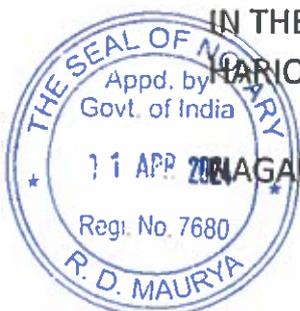
.....APPLICANT

VERSUS

NAGAR PALIKA PARISHAD AND ORS

.....RESPONDENTS

AFFIDAVIT

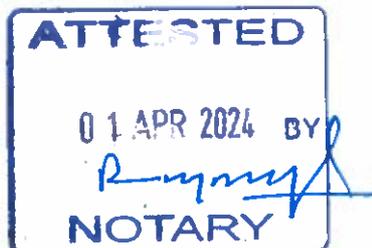


I, Majid Abbas Khan, S/o Sh. Nazakat Ali Khan, working as Project-Head in Gayatri Projects Ltd., office at Delhi Saharanpur Expressway Dundahra Baghpat, U.P.
do hereby solemnly affirm and declare as under:

1. That I am AR of the R-8 and fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit in my official capacity.
2. That the contents of the annexed reply have been drafted by me and the contents of the same are true and correct on the basis of the record of the case as maintained in the day-to-day affairs of the R-8 and the contents of the reply may kindly be treated part of this affidavit and the same are not repeated herein for the sake of brevity.

VERIFICATION

Verified at NEW DELHI on this 1st day of April, 2024 that the contents of the above affidavit are correct and true on the basis of the record of the case as maintained in the day-to-day affairs of the R-8. Nothing has been concealed therefrom or mis-stated.





తెలంగాణ తేలంగానా TELANGANA

S/No....(254)..... Date : 20-04-2022
 Sold to : B Babu
 s/o. Hazarath, R/o. Hyd
 For whom: Gayatri Projects Ltd.

AH 223446
 P. SANDHYA RANI
 LICENSED STAMP VENDOR
 L No 14-04-019/2013
 R L No:16-04-025/2022
 # B-2-238, ROAD NO. 1,
 BANJARA HILLS, HYDERABAD-500 034
 Cell: 8074691182

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS THAT M/s. Gayatri Projects Limited, having its Office at B-1, TSR, Towers, 6-3-1090, Rajbhavan Road, Somajiguda, Hyderabad-500082, Telangana (herein after called the "Company").

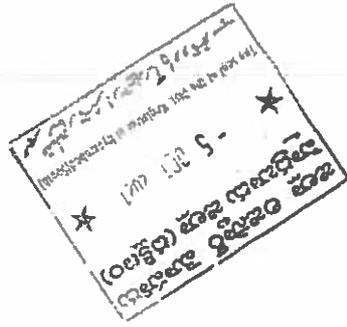
Whereas the meeting of management committee of the Company held on 07th Day of June 2022, resolved that the following powers and authorities be expressly conferred as specified hereinafter in favour of Mr. Majid Abbas Khan, S/o. Nazakat Ali Khan Shahid, aged 48 years, resident at Surinder Kaur Sterrt, Guru Nanak Enclave Back Side, Guru Nanak Model School, Doraha, Ludhiana, Punjab-141421 Presently holding the position of Project head for " Development of Six Lane access controlled in Uttar Pradesh Portion of Delhi- Saharanpur Highway from Delhi / UP Border to EPE Junction (ch.14.750 to ch.31.600) in the state of Uttar Pradesh on EPC Mode."

NOW KNOWN BY THESE PRESENT WITNESS that the said "Company", do hereby nominate, constitute and appoint the said Mr. Majid Abbas Khan, to be our true and lawful Attorney in our name and on our behalf to do the following acts, deeds, matters and things or any of them with regard to " Development of Six Lane access controlled in Uttar Pradesh Portion of Delhi- Saharanpur Highway from Delhi / UP Border to EPE Junction (ch.14.750 to ch.31.600) in the state of Uttar Pradesh on EPC Mode." from time to time (hereinafter referred to as the "Project") that is to say.

For Gayatri Projects Ltd.

Contd2.

Authorised Signatory



For Gayatri Projects Ltd.

Authorized Signatory

1. The said attorney is authorized to sign the measurement books and all department papers and do correspondence in respect of the execution of the said Project on behalf of the Company and to submit bills to the Employer in respect of the said project work done on behalf of the company.
2. The said attorney is authorized to sign the measurement books and all department papers and do correspondence in respect of the execution of the said Project on behalf of the Company and to submit bills to the Employer in respect of the said project work done on behalf of the company.
3. The said attorney is authorized to receive cheques in the name of Company and to sign, authorize, and give valid discharges in respect of all receipts and vouchers on behalf of the Company.
4. The said attorney is authorized to receive all materials from the Department and to sign the relevant papers on behalf of the Company.
5. The said attorney is authorized to do all acts incidental and necessary for completing or executing all works of the said Project and for this purpose to represent the Company in all respects and in any manner in relation to including in appearing, corresponding with Employer and authorities and representing the Company before any Central Government and State government Departments and similar other authorities, Public Bodies, Semi Bodies, Semi Government Bodies or Agencies, Municipalities, Municipal Corporation etc.
6. The said attorney is authorized to generally to do all such other things as may be necessary for effectuating the purposes and objects referred in these presents according to their true meaning and intent.
7. The said attorney is authorized to attend all the meetings with the Engineer and Employer and with any other Company, Association, Corporation, Committee(s) etc., for and on behalf of the Company connected with execution of the said project.
8. The said attorney is authorized to sign project rental and lease agreements on behalf of the Company connected with execution of the said project.
9. All the Works done by the attorney by virtue of this Power of Attorney, in execution of his duty shall be binding on the Company.
10. This special power of attorney shall be valid till completion of the project from the date of issue.

IN WITNESS WHEREOF, the said "Company", have hereunto executed this Special Power of Attorney with regard to " Development of Six Lane access controlled in Uttar Pradesh Portion of Delhi-Saharanpur Highway from Delhi / UP Border to EPE Junction (ch.14.750 to ch.31.600) in the state of Uttar Pradesh on EPC Mode." from time to time on this day 07th day of June 2022, through Mr. T.V.Sandeep Kumar Reddy, Managing Director of the Company, who has been authorized to sign the same on behalf of the company, and the common Seal of the Company is affixed thereon.

For GAYATRI PROJECTS LIMITED

(T.V.SANDEEP KUMAR REDDY)
Managing Director

WITNESS:

1.

(BVSN VARMA)
Specimen Signature of Mr. Majid Abbas Khan,
Special Power of Attorney Holder

1.

2.

ATTESTED BY:

For GAYATRI PROJECTS LIMITED,

(T.V.SANDEEP KUMAR REDDY)
Managing Director