

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL AT NEW DELHI, (WESTERN ZONE)
BENCH AT PUNE**

ORI. APPLICATION: 01/2024

APPLICANT : Vishal Shantaram Darwatkar
Kondwa-Budruk, Pune 411046,
Maharashtra

Vs

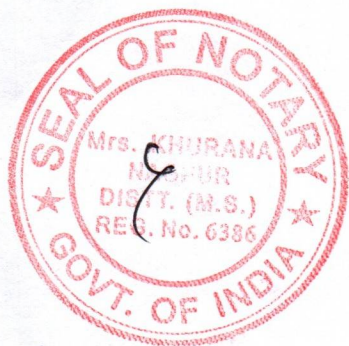
RESPONDENTS: Union of India, through
Secretary, MoEF &CC & Ors.

**REPLY ON BEHALF OF THE RESPONDENT
NO.2**

Most Respectfully showeth,

The Respondent No.2 in the instant matter most
humbly submits;

1. That in response to the Application preferred
by the Applicant under section 14, 15 & 18 of the
National Green Tribunal Act, 2010, The Central
Ground Water Authority (the Respondent No.2



herein and hereinafter referred to as Answering Respondent) submits its parawise reply to the averments in the Application which be considered without prejudice to one another.

2. Central Ground Water Board was constituted as Central Ground Water Authority (CGWA) (Answering Respondent) under sub- Section (3) of Section 3 of the Environment (Protection) Act, 1986 in 1997 for regulation and control of ground water management and development & to exercise certain powers and perform certain functions relating thereto;

3. The Authority has been regulating Ground Water Development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure Projects or Mining Projects etc., and framed guidelines in this connection from time to time applicable in Seventeen states and two union



Territories, where Ground water Development is not being regulated by the State govt and Union Territory Administration concerned.

4. To have sustainable Management or Water Resources in the Country, Ground water Abstraction guidelines have been prepared to regulate the Groundwater Extraction and conserve the scarce Groundwater Resources in the Country.

5. In pursuance to the notification issued by the Ministry of Jal Shakti dated 24/09/2020, it is obligatory upon all the new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting projects abstracting ground water unless exempted under the notification to seek the No Objection Certificate from the Answering Respondent. This is also obligatory upon the Residential Apartments/Group Housing Societies/Govt Water supply agencies in urban areas.



6. The Answering Respondent submits that it was obligatory upon the Respondent No.10 to obtain the No Objection Certificate from the Answering Respondent in view of the Notification dated 24/09/2020 issued by the Ministry of Jal Shakti and the various guidelines issued by the Answering Respondent, if it extracts the ground water.

7. After the receipt of the notice in the instant matter, the site was inspected for the purpose by officer of Central ground Water Board, State Unit Office, Pune. During the inspection it was found existence of one Dug well in the premises which was located at the Corner of the Project. Except the same no bore well / tube well were existing in the premises.

8. The Dug well was in depleted condition and lot of garbage and dry leaves were deposited on the covered mesh of the well. No water pump was installed for the extraction of the ground water.



9. In the inspection report, the field officer mentioned about use of tanker water by Respondent No.10 during the construction activities and after completion the water provided by the Pune Municipal Corporation is being used. The copy of the inspection report is annexed hereto and marked as ANNEXURE-R2A.

Thus, as the Project Proponent i.e., the Respondent No.10 has not used the ground water either from the Dug Well existing or by digging the Bore/Tube well, the no objection from the Answering Respondent is not required.

Pune:

Dated: 14/11/24

For Central Ground Water Authority



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Counsel for Respondent No.2

Barahate

(Pournima Barahate)
Scientist D, CGWB, CR, Nagpur

(Respondent No.2) Barahate
पोर्णिमा ती. बाराहाते / Pournima T. Barahate

वैज्ञानिक-घ / Scientist-D

भारत सरकार / Government of India

जल शक्ति मंत्रालय / Ministry of Jal shakti

जल संसाधन, नदी विकास और / Department of Water Resources,

गंगा संरक्षण विभाग / River Development & Ganga Rejuvenation

केन्द्रीय भूमि जल बोर्ड / Central Ground Water Board

मध्य क्षेत्र, नागपुर / Central Region, Nagpur

Solemn Affirmation

I Pournima Barahate D/o Sh. Tarachand Barahate, aged about 39 yrs, Occu.: Service, R/o Central Ground Water Board, New Secretariate Building, Opp. VCA Stadium, Civil Lines Nagpur do hereby take oath and state on solemn affirmation:

That I am working as a Scientist - D with the Central Ground Water Authority the Respondent No.2 herein. I am conversant with the facts of the present case and therefore able to depose the same.

I say that the Counsel as per my instructions has drafted the above Reply. I have gone through the contents of the above said Reply and understood the same. I say that the contents of the Reply are true to my knowledge and as per the records of the Authority which I believe to be true. As far as the legal submissions herein are concerned the same are correct as advised by my counsel. The contents of the Reply are explained to me in vernacular which I



found to be correct. Hence, signed and verified at Nagpur on this 12th day of November, 2024.

Barahate

(Pournima Barahate)
Scientist D, CGWB, CR, Nagpur
Deponent

पोर्णिमा ता. बाराहाते / Pournima T. Barahate
वैज्ञानिक-घ /Scientist-D

भारत सरकार /Government of India

जल शक्ति मंत्रालय /Ministry of Jal shakti

जल संसाधन, नदी विकास और /Department of Water Resources,

गंगा संरक्षण विभाग /River Development & Ganga Rejuvenation

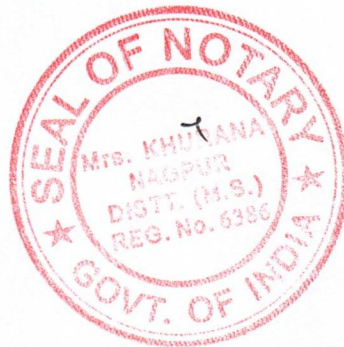
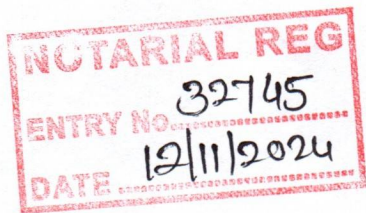
केन्द्रीय भूमि जल बोर्ड /Central Ground Water Board

मध्य क्षेत्र, नागपुर /Central Region, Nagpur

I know & Identify the Deponent

Atul J Pathak

(Atul J Pathak)
Advocate



SWORN BEFORE ME ON THIS 12th
DAY OF Nov 2024 AT NAGPUR BY
SHRI / SMT / KU. Pournima Barahate
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Atul J. Pathak
ADVOCATE, NAGPUR

Pathak
NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA



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Inspection Note

As per directions received from Regional Director, CGWB, CR, Nagpur carried out Inspection of Ms Mananagar Reality, Residential and Commercial building projects located at Survet No 19A/3A(P), CTS No 373 (P), 375 (P), 376 (P), 377 (P), Pune Satara Road, Dhanakwadi, Pune on 08.04.2024 in respect of NGT, OA No 01/2024. The representatives of PP were present during inspection.

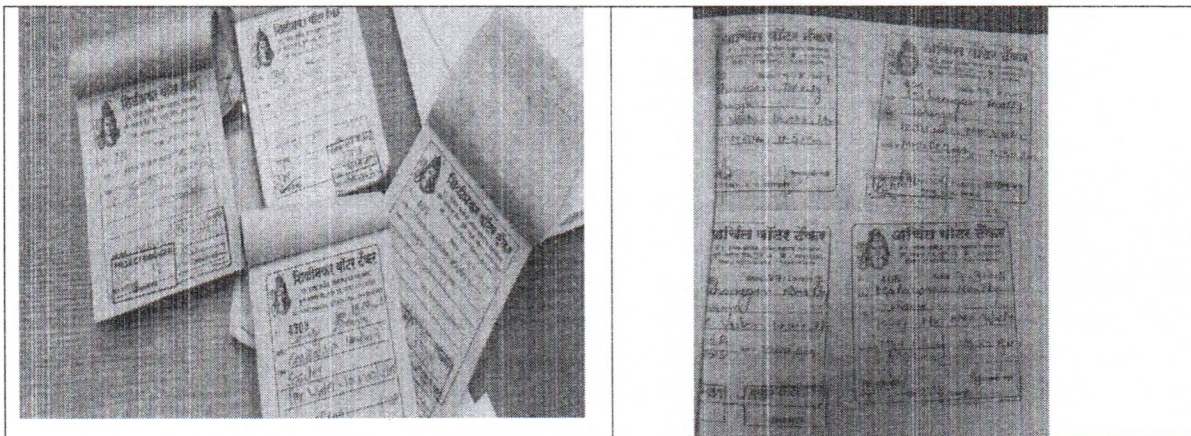
Field traverse of the premises taken during inspection. The project is having total area of 23734 m² with Ganga Ishanya and Ganga Nakshtra as two units. Ganga Ishnya is consisting of A, B and C towers with 263 dwelling units while Ganga Nakshtra in under construction. During site inspection the PP shown STP, Water Storage Tanks, Fire Water Storage Tanks, Rain Water Harvesting Pits, Storm water channels, gardening by drip technique. The project is having one swimming pool in the premises but the society has not given access to it. The PP likewise shown one Dug Well in the premises which is located in the corner of Ganga Nakshtra and informed that apart from dug well, no bore wells /tube wells are existing in the premises.

On the basis of all the above information, inspected the Dug Well along with the representatives of PP and found the Dug Well in very Shabby Shape. Lot of garbage and dry leaves were deposited on the covered mesh of the well. No Power Pump was installed on the well for extraction of groundwater. The PP constructed high raised parapet walls around the well for safety reasons and now the dug Well is having no access from Project.

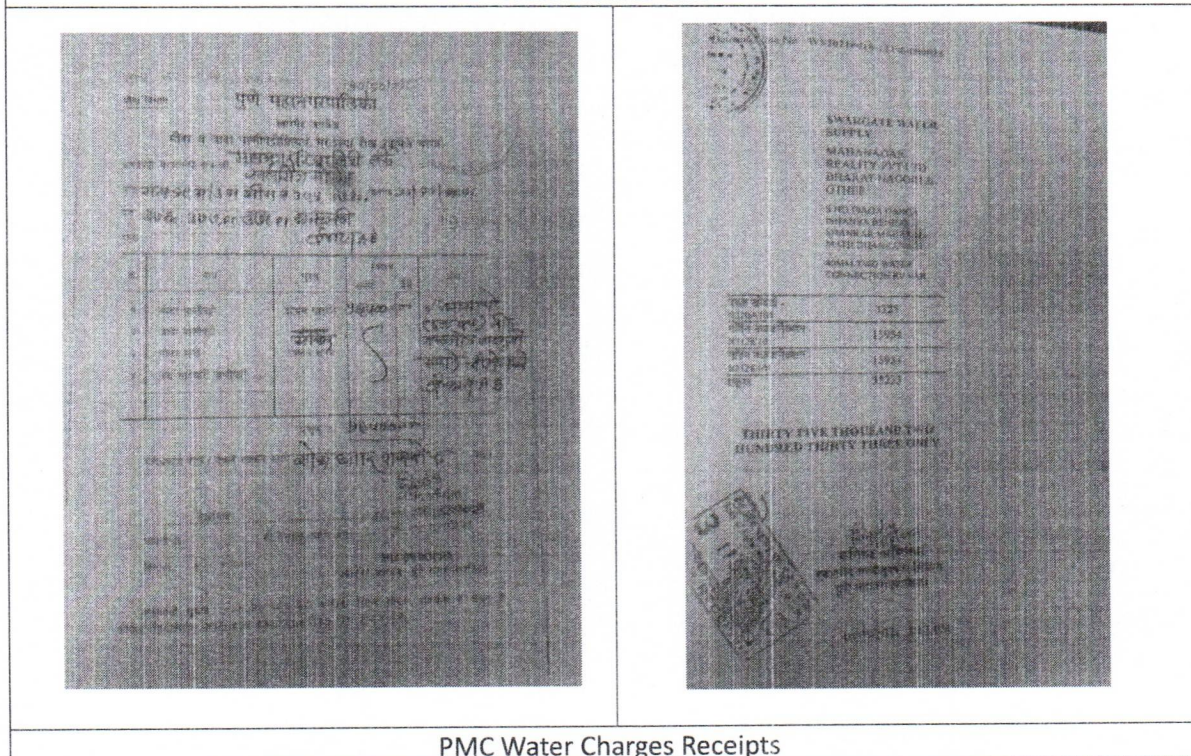
The PP informed that the Dug Well is very old and existing since the purchasing of the plot and as it is laying adjacent to the locally famous Shri Shankar Maharaj Math Temple, they have not demolished it. The PP also informed that they have never extracted groundwater from the dug well for any purpose. The PP reiterated that since start of the project for construction purpose they have utilized only tanker water and after completion, they are using water provided by Pune Municipal Corporation (PMC) on payment basis. The PP provided water tanker payment receipts and also payment receipts of water charges to Pune Municipal Corporation for several years in the form of supporting document as evidence of proof. While concluding the inspection the PP further informed that as there was no extraction of groundwater from the Dug Well, they have not applied for NOC from CGWA.

Photographs taken during the Inspection

<p>Location of Ms Mahanagar Reality in Dhanakwadi</p>	<p>Dug Well Located in the premises</p>
<p>Deposition of waste on Dug Well & No pump fitted for extraction of Groundwater.</p>	<p>Construction of high raised wall around the well from Project side for safety reasons.</p>



Water Tanker Bills



PMC Water Charges Receipts

S D Waghmare

(S D Waghmare)
Scientist-C
CGWB, SUO, Pune