

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

ORI. APPLICATION: 07/2022

APPLICANT : Shashikant Vitthal Kamble
Aged About 42 YRs, R/o
Popular Colony, Flat No.
C1/13, Near Vitthal Nagar,
Warje Malwadi, Warje,
Pune – 411 058

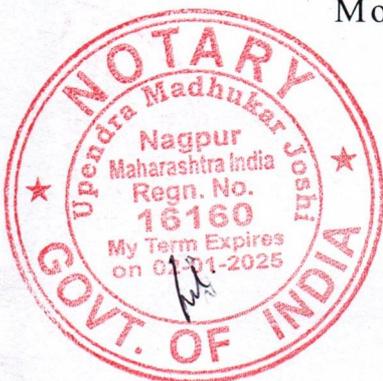
Vs

RESPONDENTS: Ministry of Environment &
Forest & Climate Change
(MOEF & CC),
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi
– 110 003 & 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 instant 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 an 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 in the country. As part of streamlining the regulatory function of CGWA, district magistrates / deputy commissioners of revenue districts were appointed as authorized officers for grant of permission for extraction of



ground water for drinking/domestic uses in notified areas. They have been advised to process requests for grant of permission for extraction of ground water for drinking/domestic purposes in notified areas as per guidelines issued by CGWA.

3. Central Ground Water Authority has also framed revised guidelines for grant of NOC for ground water abstraction by industries/projects in the country. Central Ground Water Authority has been entrusted with the responsibility of regulating and controlling ground water development and management in the country and issuing necessary directives for the purpose.

4. 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.

5. As to paras 1 to 21 : The contents of these paras being the matter of record need no reply.

6. As to para 22 to 33: The contents of these paras are denied for want of knowledge and also are not concerned with the Answering Respondent.

7. As to para 33 (a) : It is reiterated that the Answering Respondent Central Ground Water Authority has been entrusted with the responsibility of regulating and controlling ground water development and management in the country and issuing necessary directives for the purpose.

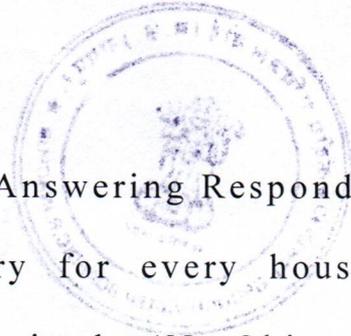
7 From the documents annexed with the Application it could be gathered that it was obligatory upon the Respondent No.13 to obtain the No Objection Certificate from the Answering



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. In view of the same, the Answering Respondent states that the Respondent No. 13 had been issued the No Objection Certificate on 30/05/23 upon the payment of the requisite fees which is valid upto 29/05/28 in the category Safe. Copy of the No Objection Certificate is annexed hereto and marked as ANNEXURE-R2-A. Rest of the contents of this para not specifically traversed need no reply.

8. As to paras 34 to 42: The contents of these paras as do not relate with the Answering Respondent need no reply.

9. As to para 38 : The Answering Respondent submits that it is obligatory for every housing project existing or new to obtain the 'No Objection Certificate' from the Answering Respondent as per the notification dated 24/09/2020 issued by the



Ministry of Jal Shakti as well as the various guidelines issued by the Answering Respondent. Accordingly, the Respondent no. 13 has obtained such certificate from the Answering Respondent on 30/05/23.

Adverting to what has been stated herein above, all the contents of this Application except which have been specifically admitted are hereby denied in toto.

As to prayer clause: Looking to the facts and circumstances of the case, this Hon'ble Tribunal may kindly be pleased to pass the appropriate orders.

Pune:

Dated:

For Central Ground Water
Authority



Counsel for Respondent No.2

Barakate
20/02/2024
(Respondent No.2)
(Pournima Barakate)
Scientist - D



- 7 -

Solemn Affirmation

I Ms. Pournima Barahate D/o Sh. Tarachand Barahate, aged about 39 yrs., Occu: Service, R/o Central Ground Water Board, Egmark 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 20th day of FEB, 2024.



Barhate
20/02/2024
Deponent
(Pournima Barhate)
Scientist - D

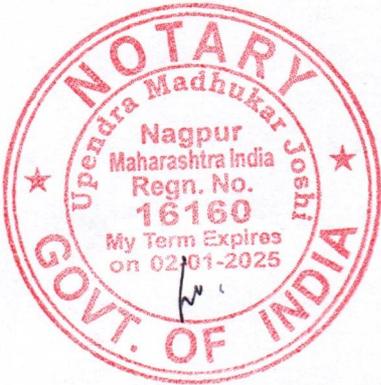
Atul J. Pathak

(Atul J Pathak)
Advocate

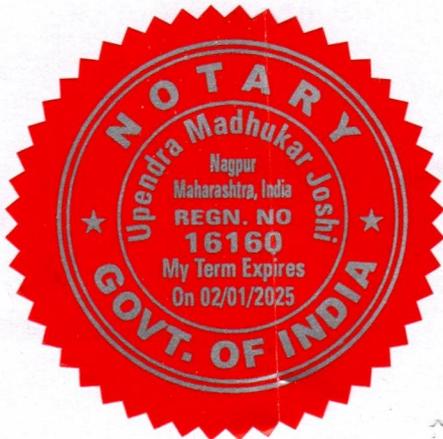
Sworn before me on this 20th
day of Feb. 20 2024 at Nagpur by
Shri/Smt./Ku. Pournima Barhate.
R/o Nagpur who has been identified
by Shri/Smt. Atul J. Pathak.
Advocate, Nagpur.

Yashwantrao
20/2/24

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



NOTARIAL REG.
ENTRY NO. 68
DATE 20/02/2024



CANCELLED
CANCELLED
CANCELLED



ANNEXURE-R2-A

-9-774

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास
और गंगा संरक्षण विभाग
केन्द्रीय भूमि जल प्राधिकरण
Government of India
Ministry of Jal Shakti
Department of Water Resources,
River Development & Ganga Rejuvenation
Central Ground Water Authority

(भूजल निकासी हेतु अनापत्ति प्रमाण पत्र)

NO OBJECTION CERTIFICATE (NOC) FOR GROUND WATER ABSTRACTION

Project Name:	Avon Vista Co-operative Housing Society		
Project Address:	A1, B1, A2, 8/a1 To 8/a9, Mahalunge, Tal- Mulshi, Pune		
Town:	Pune	Block:	Pune City
District:	Pune	State:	Maharashtra
Pin Code:			
Communication Address:	A1, B1,a2, Building, Avon Vista, 8/a1 To 8/a9, Mahalunge, Tal- Mulshi, Pune City, Pune, Maharashtra - 411045		
Address of CGWB Regional Office :	Central Ground Water Board Central Region, N.s. Building, Civil Lines, Nagpur, Maharashtra - 440001		

1. NOC No.:	CGWA/NOC/INF/ORIG/2023/18614	2. Date of Issuance	30/05/2023									
3. Application No.:	21-4/10028/MH/INF/2023	4. Category: (GWRE 2022)	Safe									
5. Project Status:	New Project	6. NOC Type:	New									
7. Valid from:	30/05/2023	8. Valid up to:	29/05/2028									
9. Ground Water Abstraction Permitted:												
Fresh Water		Saline Water		Dewatering		Total						
m ³ /day	m ³ /year	m ³ /day	m ³ /year	m ³ /day	m ³ /year	m ³ /day	m ³ /year					
98.00	35770.00											
10. Details of ground water abstraction /Dewatering structures												
Total Existing No.:0				Total Proposed No.:3								
	DW	DCB	BW	TW	MP	MPu	DW	DCB	BW	TW	MP	MPu
Abstraction Structure*	0	0	0	0	0	0	1	0	2	0	0	0
*DW- Dug Well; DCB-Dug-cum-Bore Well; BW-Bore Well; TW-Tube Well; MP-Mine Pit;MPu-Mine Pumps												
11. Ground Water Abstraction/Restoration Charges paid (Rs.):							35770.00					
12. Environment Compensation (if applicable) paid (Rs.):							0.00					
13. Number of Piezometers(Observation wells) to be constructed/ monitored & Monitoring mechanism.	No. of Piezometers						Monitoring Mechanism					
							Manual	DWLR**	DWLR With Telemetry			
**DWLR - Digital Water Level Recorder	1						0	1	0			

(Compliance Conditions given overleaf)

This is an auto generated document & need not to be signed.

18/11, जामनगर हाउस, मानसिंह रोड, नई दिल्ली - 110011 / 18/11, Jamnagar House, Mansingh Road, New Delhi-110011

Phone: (011) 23383561 Fax: 23382051, 23386743

Website: cgwa-noc.gov.in

पानी बचाये - जीवन बचाये
SAVE WATER - SAVE LIFE

Mandatory conditions:

- 1) Installation of tamper proof digital water flow meter with telemetry on all the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate.
 - 2) Proponents shall mandatorily get water flow meter calibrated from an authorized agency once in a year.
 - 3) Construction of purpose-built observation wells (piezometers) for ground water level monitoring shall be mandatory as per Section 14 of Guidelines. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in Annexure-II of the guidelines.
 - 4) Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through the web portal.
 - 5) In case of mining projects, additional key wells shall be established in consultation with the Regional Director, CGWB for ground water level monitoring four (4) times a year (January, May, August and November) in core as well as buffer zones of the mine.
 - 6) In case of mining project the firm shall submit water quality report of mine discharge/ seepage from Govt. approved/ NABL accredited lab.
 - 7) The firm shall report compliance of the NOC conditions online in the website (www.cgwa-noc.gov.in) within one year from the date of issue of this NOC.
 - 8) Industries abstracting ground water in excess of 100 m³/d shall undertake annual water audit through certified auditors and submit audit reports within three months of completion of the same to CGWA. All such industries shall be required to reduce their ground water use by at least 20% over the next three years through appropriate means.
 - 9) Application for renewal can be submitted online from 90 days before the expiry of NOC. Ground water withdrawal, if any, after expiry of NOC shall be illegal & liable for legal action as per provisions of Environment (Protection) Act, 1986.
 - 10) This NOC is subject to prevailing Central/State Government rules/laws/norms or Court orders related to construction of tube well/ground water abstraction structure / recharge or conservation structure/discharge of effluents or any such matter as applicable.
- General conditions:**
- 11) No additional ground water abstraction and/or de-watering structures shall be constructed for this purpose without prior approval of the Central Ground Water Authority (CGWA).
 - 12) The proponent shall seek prior permission from CGWA for any increase in quantum of groundwater abstraction (more than that permitted in NOC for specific period).
 - 13) Proponents shall install roof top rain water harvesting in the premise as per the existing building bye laws in the premise.
 - 14) The project proponent shall take all necessary measures to prevent contamination of ground water in the premises failing which the firm shall be responsible for any consequences arising thereupon.
 - 15) In case of industries that are likely to contaminate the ground water, no recharge measures shall be taken up by the firm inside the plant premises. The runoff generated from the rooftop shall be stored and put to beneficial use by the firm.
 - 16) Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
 - 17) Wherever the NOC is for abstraction of saline water and the existing wells (s) is /are yielding fresh water, the same shall be sealed and new tubewell(s) tapping saline water zone shall be constructed within 3 months of the issuance of NOC. The firm shall also ensure safe disposal of saline residue, if any.
 - 18) Unexpected variations in inflow of ground water into the mine pit, if any, shall be reported to the concerned Regional Director, Central Ground Water Board.
 - 19) In case of violation of any NOC conditions, the applicant shall be liable to pay the penalties as per Section 16 of Guidelines.
 - 20) This NOC does not absolve the proponents of their obligation / requirement to obtain other statutory and administrative clearances from appropriate authorities.
 - 21) The issue of this NOC does not imply that other statutory / administrative clearances shall be granted to the project by the concerned authorities. Such authorities would consider the project on merits and take decisions independently of the NOC.
 - 22) In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.
 - 23) This NOC is being issued without any prejudice to the directions of the Hon'ble NGT/court orders in cases related to ground water or any other related matters.
 - 24) Proponents, who have installed/constructed artificial recharge structures in compliance of the NOC granted to them previously and have availed rebate of upto 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, shall continue to regularly maintain artificial recharge structures.
 - 25) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, pharmaceutical, other hazardous units etc. (as per CPCE list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution as per Annexure III of the guidelines.
 - 26) In case of new infrastructure projects having ground water abstraction of more than 20 m³/day, the firm/entity shall ensure implementation of dual water supply system in the projects.
 - 27) In case of infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting.
 - 28) In case of coal and other base metal mining projects, the project proponent shall use the advance dewatering technology (by construction of series of dewatering abstraction structures) to avoid contamination of surface water.
 - 29) The NOC issued is conditional subject to the conditions mentioned in the Public notice dated 27.01.2021 failing which penalty/EC/cancellation of NOC shall be imposed as the case may be.
 - 30) This NOC is issued subject to the clearance of Expert Appraisal Committee (EAC) (if applicable).

(Non-compliance of the conditions mentioned above is likely to result in the cancellation of NOC and legal action against the proponent.)