

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

ORI. APPLICATION : 69/2024

APPLICANT : VISHAL DARWATKAR

Vs

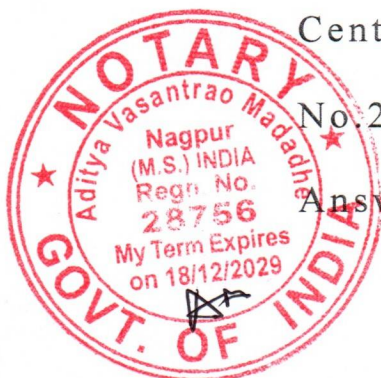
RESPONDENTS : UNION OF INDIA & ORS

**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 a Answering Respondent) submits its 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 Jalshakti 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. The Answering Respondent reiterates that the 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.

6. From the documents annexed with the Application it could be gathered 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 Jalshakti and the various guidelines issued by the Answering Respondent before the commencement of the Project . However, the Answering Respondent states that as per its records and site inspection report received from CGWB Officer for the firm Paramount Properties- Survey No. 19/1 to 19/4A/2, 19/4B/2, 20/4/1, 20/4/2,20/5B & 50/5C, Katraj Kondhwa Road, Village Katraj, Taluka Haveli, Dist. Pune the Respondent No. 10 neither had obtained the No Objection nor even had applied for



it. The Firm have been issued the show cause notice on 05/07/24 with copy to the Collector.

7. 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 Jalshakti as well as the various guidelines issued by the Answering Respondent. The Respondent No. 10 has not yet obtained such certificate from the Answering Respondent nor has preferred any application regarding the same. Therefore, the Respondent No. 10 is liable to pay the damages as contemplated under item 15 of the scheme.

Rest of the contents of the Complaint which are not adverted to except what has been specifically admitted by the Respondent are denied in toto.

8. 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 : 19/02/25

Barahate

For Central Ground

Water Authority, Pournima T. Barahate

वैज्ञानिक-घ /Scientist-D

भारत सरकार /Government of India

जल शक्ति मंत्रालय /Ministry of Jal Shakti

जल संसाधन नदी विकास और गंगा संरक्षण विभाग /Department of Water Resources,

गंगा संरक्षण विभाग /River Development and Ganga Rejuvenation

केन्द्रीय भूमि जल बोर्ड /Central Ground Water Board

मध्य क्षेत्र, नागपुर /Central Region, Nagpur

Aditya Vas...

COUNSEL FOR RESPONDENT NO..2

SOLEMN AFFIRMATION

I Pournima Barahate ^P Tarechand Barahate ,

Aged about 40 yrs, Occu : Service ,

R/o Chandranagar, Nagpur - 27.

----- do hereby take
oath and state on solemn affirmation:

That I am working 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.



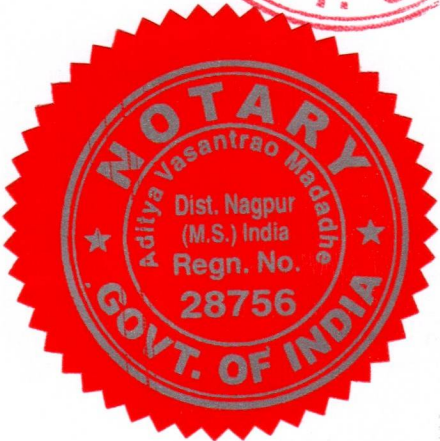
I say that the Counsel as per my instructions has drafted the above Reply . I have gone through the contents of the above said Reply and understood the same. I say that the contents of the Reply are true to my knowledge and as per the records of the Authority which I believe to be true. As far as the 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 19th day of FEB , 2025.

Barahate
Deponent

I know & Identify the 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

Atul J Pathak
(Atul J Pathak)
Advocate





NOTARIAL REG.
ENTRY NO. 13
DATE 19/02/25

SWORN BEFORE ME ON THIS 19th
DAY OF February 2025 AT NAGPUR BY
SHRI/SMT./KU. Pournima Tarachand Barande
R/O Nagpur WHO HAS BEEN IDENTIFIED
BY SHRI/SMT. Atul J. Pattnak Adv.
ADVOCATE, NAGPUR.

A. Madadhe
19/02/25

NOTARY
NAGPUR DIST, (M.S.) INDIA



Notary Public for Nagpur District, Maharashtra
Aditya Vasantrao Madadhe
Regn. No. 28756
My Term Expires on 18/12/2029