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

ORI. APPLICATION: 97/2022

APPLICANT : TANAJI BALASAHEB
GAMBHIRE

Vs

RESPONDENTS: UNION OF INDIA & ORS

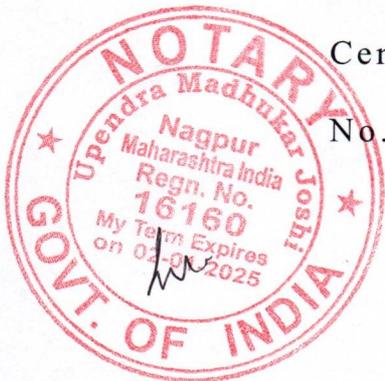
REPLY ON BEHALF OF THE RESPONDENT

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 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.

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 also has 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 Government and Union Territory Administration concerned.



4. To have sustainable Management of 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 industrial units / industries , industrial units seeking expansion, infrastructure projects and mining 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. As to paras 1 to 4 : The contents of these paras being the matter of record need no reply.



7. As to para 5 to 12: The contents of these paras are denied for want of knowledge and also are not concerned with the Answering Respondent.

8. 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.

9. From the documents annexed with the Application it could be gathered that it was obligatory upon the Respondent No. 22 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 before the commencement of the Project. In view of the same, the Answering Respondent states that the Respondent No. 22 had



applied for the No Objection Certificate vide application No. 21-4/1782/MH/INF/2018 dated 30/06/18. The said application was rejected on 20/09/20 for not supplying the mandatory documents despite of the various emails and the latest dated 17/07/2020.

10. Again on 30/11/21 an advisory letter was sent to the Project Proponent. However, it had failed to apply within a stipulated period of time. Thus, the Collector Pune was on 30/06/2022 advised to seal the illegal ground water abstraction structure.

11. Thereafter, again on 19/07/23 the Project Proponent was advised to apply for the No Objection Certificate by 03/08/23.

In view of the same the Project Proponent had applied for the NOC on 03/08/23 vide Application No. 21-4/10358/MH/INF/2023 for extraction of 10 KLD water through one Bore-Well. The Firm had



mentioned one Bore-Well under Proposed Ground water Extraction Structure.

12. A site Inspection was carried by the officer of the Answering Respondent on 18/08/23 wherein there was no Bore-Well / Dug-Well found in the Project Premises. The copy of the ^{taken} ~~action~~ Report is annexed hereto and marked as ANNEXURE-R2-A.

13. As per the CGWA Guidelines dt 24/09/20, the Project is not liable for Penalty and the Environmental Compensation charges as there is no Existing Ground Water Abstraction Structure found in the Premises.

14. The Firm had been issued the No Objection Certificate on 25/08/23 upon the payment of the requisite fees and verification of the documents which is valid up to 29/05/28 in the category Safe. Copy of the No Objection Certificate is annexed hereto and marked as ANNEXURE-R2-B. Rest of



the contents of this para not specifically traversed need no reply.

15. 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. 22 has obtained such certificate from the Answering Respondent on 25/08/23.

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.

16. 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: 01/03/24

For Central Ground Water
Authority

Barahate
01/03/2024

(Pournima Barahate)
Scientist D, CGWB, CR, Nagpur
(Respondent No.2)

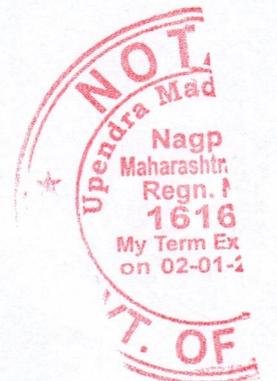
Amol

Counsel for Respondent No.2

Solemn Affirmation

I Pournima D/o Tarachand Barahate, aged about 39 yrs, Occu: Service, R/o C/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 ^{1st}~~29th~~ day of ^{MAR}~~FEB~~, 2024.

h

Barahate
(Pournima Barahate)

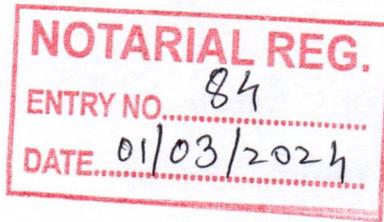
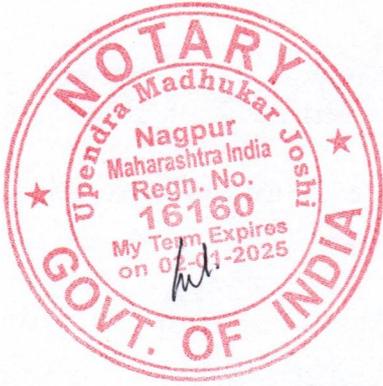
Scientist D, CGWB, CR, Nagpur
Deponent

I know & Identify the Deponent

Atul J Pathak
(Atul J Pathak)
Advocate

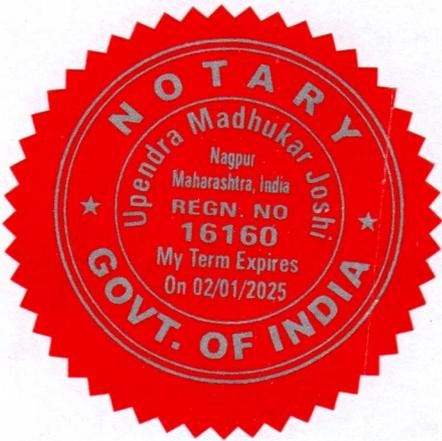


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Sworn before me on this 1st
day of Mar. 2024 at Nagpur by
Shri/Smt./Ku. Pournima J. Barahate.
R/o. Nigam who has been identified
by Shri/Smt. Atul Pathak
Advocate, Nagpur.

01/03/24.
NOTARY
GOVT. OF INDIA
Nagpur (M.S.) INDIA



CANCELLED
CANCELLED
CANCELLED
CANCELLED
CANCELLED

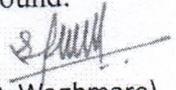
Action Taken Report

As desired, conducted site inspection of **Pride Purple Landmark LLP**, located at S. No. 665/A, Village-Bibwewdi, Taluka Haveli, District Pune, Maharashtra on 17/08/2023.

Sh Chetan Malusare, Representative of PP informed that this is a Residential & Commercial Project, with total plot area of the project 20154.48 sqm and BUA 57663.19 sqm. The Project is consisting of 6 nos of buildings with shops. Out of 6 buildings the PP handed over 4 buildings and remaining buildings are under construction.

The PP informed that Pune Municipal Corporation (PMC) provides water supply to the project @ 90 m³/day and now PMC deducts water charges annually from the property tax of the PP (receipt enclosed with the copy of NOC letter from Pune Municipal Corporation). He also informed that in the beginning the project have sufficient water supply @ 90 m³/day from PMC (receipt enclosed) so they do not require groundwater for use but now for future development of the project they have proposed 1 Bore Well in their premises and applied to obtain NOC from CGWA vide application no 21-4/10353/MH/INF/2023 dated 03/08/2023 for extraction of Groundwater @ 10m³/day.

During visit, the site of **Pride Purple Landmark LLP** was thoroughly inspected for groundwater abstraction in the premises of PP, but groundwater abstraction was not found.


(S. D. Waghmare)
Scientist-C



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ANNEXURE - R2 - B

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:	M/s. Pride Purple Landmark Llp (park Landmark)		
Project Address:	S. No. 665/a, Village - Bibwewadi, Tal - Haveli, Dist - Pune		
Town:	Pune (m Corp.)	Block:	Pune City
District:	Pune	State:	Maharashtra
Pin Code:			
Communication Address:	S. No. 665/a, Village - Bibwewadi, Tal - Haveli, Dist - Pune, Pune City, Pune, Maharashtra - 411016		
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/2023/19078	2. Date of Issuance	25/08/2023									
3. Application No.:	21-4/10353/MH/INF/2023	4. Category: (GWRE 2022)	Safe									
5. Project Status:	New Project	6. NOC Type:	New									
7. Valid from:	25/08/2023	8. Valid up to:	24/08/2028									
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						
	10.00	3650.00										
10. Details of ground water abstraction /Dewatering structures												
	Total Existing No.:0						Total Proposed No.:1					
	DW	DCB	BW	TW	MP	MPu	DW	DCB	BW	TW	MP	MPu
Abstraction Structure*	0	0	0	0	0	0	0	0	1	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.):							3650.00					
12. Environment Compensation (if applicable) paid (Rs.):							0.00					

(Compliance Conditions given overleaf)

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

Validity of this NOC shall be subject to compliance of the following conditions:

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.)

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CENTRAL GROUND WATER AUTHORITYDepartment of Water Resources, River Development and Ganga Rejuvenation
Ministry of Jal Shakti, Govt. of India**Receipt**(As per the MoJS guidelines dated 24.09.2020 vide SO No. 3289(E) and amendments dated 29.09.2023 vide SO No. 1509(E))
<https://cgwa-noc.gov.in>

Application No.:	21-4/10353/MH/INF/2023	Date of Issuance:25/08/2023
Name of Firm:	M/S. PRIDE PURPLE LANDMARK LLP (PARK LANDMARK)	
AppType Category:	Residential township	
Application Type:	Infrastructure	
PAN/GSTIN No. of Firm/Individual:	AANFP1495R / 27AANFP1495R1Z8	

S N	Description	Amount (Rs.)
1.	Application Processing Fee	10000.00
2.	Ground Water Abstraction charges	
3.	Ground Water Restoration charges	
4.	Environmental Compensation Charges (ECRGW) (Date From to) Days-	
5.	Penalty for non-Compliance of NOC conditions Condition to be mentioned	
6.	Adjustment Charges	
7.	Rebate	
8.	Charges for correction/modification in the existing issued No Objection Certificate	
	S.No. Description	Rate
	(i) Change in User ID	Rs. 5000
	(ii) Change in firm Name	Rs. 5000
	(iii) Extension of No Objection Certificate	Rs. 5000
	(iv) Issuance of duplicate No Objection Certificate	Rs. 5000
	(v) Issuance of corrigendum to No Objection Certificate	Rs. 5000
	(vi) Any other items/correction etc.	
Rs. Rupees Thirteen Thousand Six Hundred Fifty Only		13650.00

This is an system generated invoice, hence, does not require ink 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.inपानी बचाये - जीवन बचाये
SAVE WATER - SAVE LIFE

Term and conditions:

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- i. All disputes are subject to Delhi Jurisdiction.
- ii. Any complaint in regard to the rates will not be entertained.

Member-Secretary
CGWA, New Delhi

CENTRAL GROUND WATER AUTHORITY

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

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पानी बचाये - जीवन बचाये
SAVE WATER - SAVE LIFE