

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Filed under Section 14 and 15 of the National  
Green Tribunal Act, 2010)  
ORIGINAL APPLICATION NO. 392 of 2022**

**IN THE MATTER OF:**

PRASOON PANT &amp; ANOTHER

...APPLICANTS

VERSUS

UNION OF INDIA &amp; OTHERS

...RESPONDENTS

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NDOH-29/4/2024

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For Arihant Infra Realtors Pvt. Ltd.

[Respondent No.24

Through its Director/AR

Rajesh Jain]

Through:

Rakesh Sinha/Md. Ghulam Akbar/

Jeemon Raju K/ Sushant Shekhar/

Rishabh Raj Dubey/ Shantanu Mishra

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Place: New Delhi  
Date: 27.04.2024

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**IN THE MATTER OF:**

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**REPLY ON BEHALF OF RESPONDENT NO.24 (i.e. ARIHANT  
ARDEN) TO THE APPLICATION OF THE APPLICANTS.**

**MOST RESPECTFULLY SHOWETH:**

1. That at the outset the answering Respondent No.24 vehemently denies and objects to all the allegations, averments and submissions made by the Applicants in the present Application pending adjudication before this Hon'ble National Green Tribunal (hereinafter referred to "Hon'ble NGT") unless the same is specifically averred and traversed herein below. The allegations, averments and submissions made by the Applicants against the Respondent No.24 (earlier arrayed as Respondent No.21) are false, frivolous, mischievous, concocted, incorrect, bogus and baseless and are mere figments of imagination of the Applicants which are completely contrary to the facts and circumstances based on relevant documentary records available with the answering Respondent No.24. The Applicants have not produced any material and relevant documents on record to substantiate their case against the answering Respondent No.24 that the answering Respondent No.24 has extracted illegal ground water from the earth for the last 10 years instead has suppressed the material facts and documents which are very relevant and crucial for fair adjudication of the

For Arihant Infra Realtors Pvt. Ltd.



Director

matter from this "Hon'ble NGT". Hence, in view of the above, the present Application of the Applicants deserves no merit and is thus liable to be dismissed *in limine*. The Applicants are to be put to strict proof in respect thereof.

2. That the present Reply on behalf of the answering Respondent No.24 is being filed and represented through Sh. Rajesh Jain, who is the Director/Authorised Representative of answering Respondent No.24 who has been duly authorized vide Board Resolution dated 11.01.24 to do all or any of the following acts, deeds, matters and things in respect of or connected with the present matter on behalf of the answering Respondent No.24 and further to institute, file, appear, contest, depose and represent the case on behalf of the answering Respondent No.24 herein. A copy of the Board Resolution dated 11.01.24 is appended hereto and marked as **Annexure-A-1/1**.

**PRELIMINARY OBJECTIONS:**

1. That the present Application filed by the Applicants are not at all maintainable and entertainable against the answering Respondent No. 24 as the building construction activities of the answering Respondent No. 24 have been completed in all respects in the year, 2016 and the Occupation Certificate (i.e. O C) has been issued to the answering Respondent No. 24 on August 2017 and the present Application has been filed in the year 2022 by the Applicants herein without any cause of action whatsoever between the answering Respondent No. 24 and the Applicants herein. Moreover, the averments/allegations made against the answering Respondent No. 24 by the Applicants are only by way of an afterthought without any substance in it and the same is totally bogus and baseless. It is pertinent to mention herein that the answering Respondent No. 24 was procuring the water for its building construction activities from Sewerage Treatment Plant (ie. STP) of GNIDA and the said construction activities have been completed

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way back in the year 2016 which is an undisputed matter of fact and record.

2. That the present Application filed by the Applicants in the present form before the "Hon'ble NGT" is not at all maintainable and entertainable by this "Hon'ble NGT" for the simple reason that the Applicants herein has not approached the "Hon'ble NGT" with clean hands as the Applicants herein had very clandestinely and surreptitiously suppressed the material facts which are very crucial and significant facts from this "Hon'ble NGT" to build up a case against the answering Respondent No.24 to harass and extract ill gotten benefits under the garb of enriching the Applicants on one pretext or the other. The so called averments/allegations made in the Application by the Applicants are mere figments of imagination without an iota of truth in it as the same are bald and vague allegations without any substantial material available on record and as such the present Application of the Applicants deserves no merit and is thus liable to be dismissed at the threshold itself. The Applicants are to be put to strict proof in respect of the averments/allegations made therein.

3. That the present Application of the Applicants are otherwise also not maintainable and entertainable by this "Hon'ble NGT" as there is no valid cause of action existing by and between the Applicants and the answering Respondent No.24 as the answering Respondent No.24 has not committed any offence w.r.t. extraction of ground water from the earth as alleged/averred by the Applicants in the present Application which speaks volume. There is no *locus standi* for the Applicants to file the present Application against the answering Respondent No.24 in the absence of any valid cause of action. The entire Application is totally silent on the aspect w.r.t. extraction of ground water by the answering Respondent No.24 as the Applicants have totally failed in its attempt to substantiate that the answering Respondent No.24 had infact extracted the ground water

For Arihant Infra Realtors Pvt. Ltd.



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illegally and unauthorisedly which has caused inconvenience to the Applicants which has thus resulted into filing of the present Application before this "Hon'ble NGT". Hence in view of the above factual matrix and in the light of the same, the present Application of the Applicants are thus liable to be rejected outrightly as the same has been filed with a view to harass the answering Respondent No.24 for garnering ill gotten benefits and as such the present Application is liable to be dismissed *in limine*.

### PRELIMINARY SUBMISSIONS

1. That at the outset, the answering Respondent No.24 most respectfully submits before the "Hon'ble NGT" that the answering Respondent No.24 is a reputed and renowned company in the field of infrastructure and real estate development and is a household name in the real estate and construction business and possess great reputation and good will in the construction industry as well as among the masses in and across Delhi and NCR. The only intention behind filing of the present Application by the Applicants are with the sole intention to disrepute and malign the goodwill of the answering Respondent No.24 herein thereby using it as a way and means to pressurize the answering Respondent No.24 herein, to make unlawful gains to the Applicants herein.
2. That the answering Respondent No.24 most respectfully submits before the "Hon'ble NGT" that the construction activities of Arihant Arden Complex/ Group Housing Complex located at Plot No.GH-07A, Sector-1, Greater Noida, Uttar Pradesh was completed in all respects. It may not be out of place to mention herein that the building construction activities of the answering Respondent No. 24 have been completed in all respect in the year 2016 and the Occupation Certificate (i.e. O C) has been issued to the answering Respondent No. 24 on August 2017 which is a matter of fact and record. It is also a matter of fact and record that the consumption of

water for the building activities were procured from Sewerage Treatment Plant (i.e. STP) of "GNIDA". Thus, the answering Respondent No. 24 has not in any way extracted ground water from the earth for its building construction activities or at all as alleged by the Applicants herein. It is submitted that the resident owners have made an association in the name and style of Arihant Arden Association of Apartment Owners and the same has been duly registered under the Societies Registration Act vide Registration No. GBN/06174/2018-2019 dated 16.11.2018. For ready reference of the "Hon'ble NGT" a copy of the said Registration Certificate dated 16.11.2018 issued by the Registrar of Society, Uttar Pradesh in the name of Arihant Arden Association of Apartment Owners is appended hereto and marked as **Annexure-R-1/2.**

3. That the answering Respondent No.24 most humbly submits before the "Hon'ble NGT" that upon the request of the Association of Apartment Owners (hereinafter referred to as "AAO") the answering Respondent No.24 had handed over the possession of the Arihant Arden Complex/ Group Housing Complex along with all common area, facilities and services together with the relevant document/ NOC's/ Certificates to the "AAO" on 14.01.2019 which is a matter of fact and record. Be that as it may, it is pertinent to mention herein that the "AAO" had taken over the possession of the Arihant Arden Complex/ Group Housing Complex w.e.f. 15.01.2019 onwards upon the express terms and conditions mentioned on the certificate of handing over of Arihant Arden Complex/ Group Housing Complex dated 15.01.2019. For ready reference of the "Hon'ble NGT" a copy of the certificate of handing over of Arihant Arden Complex/ Group Housing Complex dated 15.01.2019 is appended hereto and marked as **Annexure-R-1/3.**
4. That after handing over of the possession of Arihant Arden Complex/ Group Housing Complex to the "AAO" the responsibility is with "AAO"

For Arihant Infra Realtors Pvt. Ltd.



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to maintain and upkeep the facilities and services of the aforesaid complex and to provide safeguard and security to ensure that all the facilities and services are provided to all the resident allottees/ members without any disruption whatsoever. Thus, the sole responsibilities of maintaining the aforesaid complex has been shifted on to the "AAO" w.e.f. 15.01.2019 onwards which is a matter of fact and record.

5. That in so far as the averments/allegations made by the Applicants qua the present Application before the "Hon'ble NGT" is concerned the answering Respondent No.24 has got no role whatsoever as the answering Respondent No.24 has not extracted the ground water from the earth as allegedly alleged/averred by the Applicants as the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA. It is submitted that thereafter the water was procured for the usage of the residents of the answering Respondent No. 24 was from "GNIDA" which fact can be further clarified and justified from the builder residential water charges cum payment intimation issued by the Manager (Jal) bearing reference no. GNIDA/BRS02/10 dated 07.02.2023. For ready reference of the "Hon'ble NGT" a copy of the said builder residential water charges cum payment intimation dated 07.02.2023 is appended hereto and marked as **Annexure-R-1/4**.
6. That be that as it may, it is pertinent to mention herein that a bare reading and a careful perusal to the **Annexure-R-1/4** vividly and unequivocally throws a clear picture as to the date of origin of procuring the water for the usage of the residents of the answering Respondent No.24 is w.e.f. 15.12.2016 onwards from the "GNIDA". Thus, from the aforesaid submissions and based on the same, it is amply clear that the answering Respondent No.24 is not at all extracting the ground water from the earth as mischievously and malafidely alleged/ averred by the Applicants herein

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in the present Application filed before the "Hon'ble NGT" which speaks volume. It is submitted that by filing the present false, frivolous, concocted, baseless and bogus Application by the Applicants had made themselves in the back foot based on the factual matrix of the case as it can be easily determined that the so called averments/allegations made against the answering Respondent No.24 does not hold any good as the same are manufactured and fabricated without any substance whatsoever. Thus, in view of the aforesaid factual aspects and in the light of the same, it can be easily ascertained that there is neither any cause of action nor any *locus standi* for the Applicants to array the answering Respondent No.24 as a party to the present proceedings pending adjudication before the "Hon'ble NGT" and as such the present Application of the Applicants are devoid of any merits whatsoever against the answering Respondent No.24 and as such the answering Respondent No.24 shall be deleted from the array of parties with exemplary cost(s) in favour of the answering Respondent No.24 and against the Applicants.

**PARAWISE REPLY:**

- I. That the contents of para no. I of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. The Applicants are to be put to strict proof in respect thereof.
- II. That the contents of para no. II of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. The Applicants are to be put to strict proof in respect thereof.
- III. That the contents of para no. III of the Application save and except those which are matters of record are hence vehemently denied as false,

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frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent that the present Application is being filed U/S. 14, 15, 18 (1) & 20 of the National Green Tribunal Act, 2010 seeking to issue a direction to the Respondent- Authorities to stop the Project Proponents, but it is wrong and vehemently denied that namely private developers who are extracting groundwater illegally at construction stage of their projects as well as otherwise despite Noida Extension falling in a "Over-Exploited" category as per the CGA classification and in "notified" category as per classification of the Uttar Pradesh Government. It is submitted that the answering Respondent No.24 is not at all extracting the ground water illegally for construction of its project as the answering Respondent No.24 was procuring water from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges as demanded by them for facilitating the service of water to the location of construction. Thus, the averments/allegations made by the Applicants in the current para under reply does not relate in any manner whatsoever to the answering Respondent No.24 and the so called averments/allegations made by the Applicants are based on figments of imagination far away from truth besides baseless. It is not denied only to the extent that presently, the UP Ground Water (Management & Regulation) Act 2019 is in force in UP. It is wrong and vehemently denied for want of knowledge that the Applicants have made complaints against the illegal extraction to the authorities concerned, however no action has been taken by the authorities so far. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

**REPLY TO FACTS IN BRIEF:**

1. That the contents of para no. 1 of the Application are false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only

to the extent that one of the Applicants is a resident of Ghaziabad and the other belongs to Greater Noida. It is wrong and vehemently denied that both of them are deeply concerned about the threatened groundwater resources of the area. It is further wrong and vehemently denied that being nearby residents of this region they are at the receiving end of this horrendous depletion of water table that is going on unheeded. It is submitted that the answering Respondent No.24 has got nothing to do with respect to the extraction of ground water from the earth as the answering Respondent No.24 was procuring the water from the authority which is Sewerage Treatment Plant (ie. STP) of GNIDA for its construction activities much prior to filing of the present application by the Applicants. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

That the contents of sub para of para no.1 of the Application are false, frivolous, concocted mischievous, incorrect, bogus and baseless and the same are denied for want of knowledge. It is wrong and vehemently denied for want of knowledge that the Applicant No 1 is currently working with an environmental NGO as a consultant. It is further wrong and denied for want of knowledge that previously the Applicant has approached the Hon'ble Tribunal regarding illegal abstraction of groundwater in Ghaziabad & Hapur Districts. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

That the contents of sub para of para no.1 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted, mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the

For Arihant Infra Realtors Pvt. Ltd.

  
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Applicant No.2 is a public spirited person residing in Sunpura village of Greater Noida which is near Noida Extension. It is further wrong and vehemently denied for want of knowledge that he has been substantially raising issues pertaining to environment and has also approached the Hon'ble Tribunal against lack of sewerage in several villages of Greater Noida. It is wrong and vehemently denied for want of knowledge that he also keeps raising his voice against the environmental degradation in the area. It is submitted that the above submissions are not at all related to the answering Respondent No.24 and as such the answering Respondent No.24 is not at all aware regarding the same. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

2. That the contents of para no. 2 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent that the Respondent No.1 is Ministry of Environment, Forest and Climate Change responsible for overall regulation and conservation of environment in the country. It is not denied only to the extent that the respondent No 2 is Central Pollution Control Board or CPCB that is responsible for keeping a check on illegal groundwater extraction alongside CGWA. It is not denied only to the extent that the Respondent No 3 is Central Ground Water Authority (CGWA) responsible for keeping an overall check on groundwater extraction in the country under special powers granted under EP Act 1986. It is not denied only to the extent that the Respondent No 4 is Uttar Pradesh Pollution Control Board (UPPCB) responsible for taking steps such illegal extraction at the state level. It is not denied only to the extent that the Respondent No.5 is Director, UP Ground Water Department who is Member Secretary of UP Ground Water Authority. It is not denied only to the extent that the

For Arihant Infra Realtors Pvt. Ltd.



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Respondent No 6 is NCR Planning Board responsible for setting up policies for Delhi-NCR. It is not denied only to the extent that the Respondent No.7 is District Magistrate Gautambudh Nagar who is responsible for overall protection of environment and control of pollution including conservation of groundwater in district Gautambudh Nagar. It is not denied only to the extent that the Respondent No 8 is Greater Noida Industrial Development Authority or GNIDA responsible for sanctioning projects after sanctioning water supply before approving the project plan. It is wrong and vehemently denied that the Respondent Nos. 9-40 are private builder groups & projects that are illegally extracting groundwater in Noida Extension. It is submitted that the answering Respondent No.24 have not illegally extracted ground water as alleged/averred by the Applicants as it is a matter of fact and record that the answering Respondent No.24 was procuring the water from the authority i.e. Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect of making false, frivolous, incorrect and baseless averments/allegations against the answering Respondent No.24 in the current para under reply.

3. That the contents of para no. 3 of the Application are false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied that the present Application points out to the large-scale extraction that is being carried out by private builders in Noida Extension area for the last 10 years without a prior NOC from the CGWA at various stages of their projects- from start to completion and afterwards. It is submitted that the answering Respondent No.24 has not committed any illegal ground water extraction for the past ten (10) years as alleged by the Applicants in the current para under reply. It is wrong and vehemently denied for want of knowledge that the Applicants had written to state and the Central authorities for action and despite their responses from time to

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time, no concrete action to stop the illegal groundwater extraction has been taken by the authorities so far in Noida Extension. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

4. That the contents of para no. 4 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the Greater Noida West area popularly known as Noida Extension is located in the "Over-Exploited" Bisrakh block of Greater Noida, starting from along NH 24- now Delhi-Meerut Expressway that cuts through Ghaziabad situated on one side and Noida/ Gr Noida on the other. It is further wrong and vehemently denied for want of knowledge that Greater Noida west or Noida Extension is spread over an area of approximately 5,000 hectares and 300 plus builder projects and with a Floor Area Ratio that allows many buildings to be built upto 30 floors from the ground and all this makes it a big township with high density of population in itself. It is further wrong and vehemently denied for want of knowledge that the Applicants have learnt that the Greater Noida Industrial Development Authority or GNIDA has sanctioned projects, wherein around 4 lakh housing units would come up in the area catering to around 30 lakh people in time to come. It is further wrong and vehemently denied for want of knowledge that however, ahead of sanctioning the housing projects the GNIDA has failed in its duty to make provisions of water supply that is one of its foremost duties; as a result, builders have installed boring pumps for extraction and lakhs of litres of groundwater is being extracted illegally daily in Noida Extension area by private colonizers and housing societies. It is submitted that the answering Respondent No.24 has been procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA for its construction activities and has never ever extracted illegally any ground water from the



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For Armani Infra Realtors Pvt. Ltd.

earth for the use of construction activities and as such the averments/allegations made by the Applicants are totally out of context and is not at all attributable to the answering Respondent No.24 herein. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

5. That the contents of para no. 5 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that data sourced from Uttar Pradesh Ground Water Department reveals that over a period of 5 years, that is, from 2015-2019 groundwater level post monsoon has fallen by almost 5 meters from 7.78 mts below ground level (2015) to 12.79 mts below ground level (2019) in Bisrakh, that indicates a fall of more than 1 meter annually. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
6. That the contents of para no. 6 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the water table has been falling alarmingly in Noida Extension. It is wrong and vehemently denied for want of knowledge that the Bisrakh block is an "Over-Exploited" block as categorized by the Central Ground Water Board (CGWB) in its Assessment of Blocks 2020 and a "Notified" block as per classification of the UP State. It is wrong and vehemently denied that most of the builder projects here have been illegally extracting groundwater since last decade or so without an NOC and have been rampantly extracting groundwater at construction stage and post-completion. It is submitted that the answering Respondent No.24 is being arrayed as a party

For Arihant Infra Realtors Pvt. Ltd.



Director

unnecessarily in the proceedings by the Applicants as the answering Respondent No.24 has got nothing to do with the present proceedings as the answering Respondent No.24 has not extracted ground water from the earth as malafidely and illegally alleged/averred by the Applicants herein and as such no credence can be given to the false, baseless and bogus averments/allegations alleged in the present Application by the Applicants herein. It is wrong and vehemently denied for want of knowledge that housing societies whether fully occupied or not are also using groundwater without NOC. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

7. That the contents of para no. 7 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
8. That the contents of para no. 8 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the Noida Extension has hundreds of housing and commercial projects in the making, however the area suffers from faulty planning as no major measures have been taken to develop adequate green spaces and parks, community spaces, playgrounds, govt. hospitals and other public amenities as would be demanded by the huge section of populace coming to settle here. It is wrong and vehemently denied for want of knowledge that in fact, the older township of Greater Noida has better public facilities and amenities as compared to Noida Extension, which has turned into a concrete jungle due to short-sightedness of the officials and one which is putting tremendous

For Arihant Infra Realtors Pvt. Ltd.



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stress on the groundwater resource of the area that is being extracted illegally. It is submitted that answering Respondent No.24 is not extracting the ground water from the earth illegally as alleged/ averred by the Applicants herein as the answering Respondent No.24 was procuring the water from Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

9. That the contents of para no. 9 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that over the last 10-12 years private developers have made a beeline to come up with residential and commercial projects in Noida Extension mainly as land was offered to them at cheap prices and the area began as an affordable destination for middle income buyers and hence thousand of buyers from Delhi, Ghaziabad, Noida, Meerut, Bulandshahar, Gurugram, Faridabad etc have bought flats here. It is further wrong and vehemently denied for want of knowledge that the residential and commercial projects have been sanctioned by the Greater Noida Industrial Development Authority (GNIDA) have far exceeded the "Carrying Capacity" as is evident from the falling water table in the past 5 years. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
10. That the contents of para no. 10 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that a large portion of the Noida Extension owing to its proximity to the Delhi- Meerut Expressway is more closer to Ghaziabad colonies such as Crossings

For Arihant Infra Realtors Pvt. Ltd.



Director

Republik, Indirapuram, Vasundhara and Vaishali which are mostly 10-30 minutes away from here and hence any damage to water table in Noida Extension has consequences for residents living in Ghaziabad too. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

11. That the contents of para no. 11 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the Applicants seek to submit that the entire Delhi-NCR belt including Gautambudh Nagar area is situated in the highly earthquake prone Seismic Zone IV. It is further wrong and vehemently denied for want of knowledge that scientists have found a correlation between groundwater depletion and earthquakes- that more the depletion of groundwater table the more could be the severity of the earthquakes striking Delhi-NCR frequently. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
12. That the contents of para no. 12 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the GNIDA has not done any survey for housing demand in this area. It is wrong and vehemently denied for want of knowledge that most of the plots were allotted to the builders at a fraction of their cost to be paid in installments, which also is one of the reasons that housing projects here are more than the actual demand. It is wrong and vehemently denied for want of knowledge that needless to say, that owing to the prevalence of so many projects is leading to stress on groundwater resources of the area, as in the absence of the Greater Noida Industrial Development Authority not

For Arihant Infra Realtors Pvt. Ltd.

  
Director

providing water supply to such high density of population, the only reliance is on illegal extraction of groundwater. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

13. That the contents of para no. 13 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the aforesaid illegal extraction of groundwater is against the "Sustainable Development" and "Precautionary Principle" concept as laid out by the Hon'ble Supreme Court and thereafter by the Hon'ble National Green Tribunal. It is wrong and vehemently denied for want of knowledge that the result of rampant extraction is a fast depletion of the underground water table that could soon lead to water scarcity in the whole region including in Noida, Gr. Noida and Ghaziabad and could further lead to earthquakes, as outlined in the aforesaid CSIR study. It is submitted that the answering Respondent No.24 was not at all extracting the ground water from the earth as the answering Respondent No.24 is procuring the water from Sewerage Treatment Plant (ie. STP) of GNIDA. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
14. That the contents of para no.14 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is pertinent to mention herein that the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA" and is not at all extracting the ground water from the earth for its building construction activities as the building construction activities have been completed way back in the year 2016. Each and every averment

For Arihant Infra Realtors Pvt. Ltd.

  
Director

which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

15. That the contents of para no. 15 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent that presently the Uttar Pradesh Ground Water (Management & Regulation) Act 2019 has been enacted and is in force in Uttar Pradesh, thereby the responsibility of granting NOCs has come upon the UP Ground Water Department/State Ground Water Authority, but it is wrong and vehemently denied that the violations that is extracting groundwater without permission still continue to this date in Greater Noida West or Noida Extension by the private builders and the UP Ground Water Department is not even paying heed to curb such violations. It is submitted that the answering Respondent No.24 was procuring the water from Sewerage Treatment Plant (ie. STP) of GNIDA and was not at all extracting water from the earth and the averments/allegations made by the Applicants against the builders including the answering Respondent No.24 is totally uncalled for as there is no valid cause of action existing between the answering Respondent No.24 and the Applicants which has resulted into filing of the present Application arraying the answering Respondent No.24 as a party to the present proceedings. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

16. That the contents of para no. 16 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent that extraction of groundwater for construction phase of infra. projects and post-completion of such projects is a violation of the newly enacted UP Ground Water (Management & Regulation) Act 2019 that has banned extraction by new users in "Notified areas" of Uttar

For Arihant Infra Realtors Pvt. Ltd.



Director

Pradesh, wherein the whole of Greater Noida including Bisrakh Block (Noida Extension) has been classified as a "Notified Area" by the Governor. It is submitted that the answering Respondent No.24 has not extracted ground water from the earth for the construction of Infra Projects and post completion of such projects as the answering Respondent No.24 was procuring water from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges. The rest of the contents of the para under reply needs no comments as the same is dealing with UP Ground Water (Management & regulation) Act 2019 and rules. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

17. That the contents of para no. 17 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent with respect to the Act, namely, the UP Ground Water Department/State Ground Water Authority functioning under the aegis of UP Ground Water (Management & Regulation) Act 2019 is concerned. The rest of the contents of the para under reply needs no comments as the same are false and bogus. It is not denied only to the extent that as per the UP Act, pre-existing users having a previous NOC from the CGWA and who had applied for its renewal under the previous CGWA regime, shall presently seek an NOC and registration from UP Ground Water Department for continuing groundwater extraction. It is submitted that the aforesaid submissions of the Applicants does not affect the answering Respondent No.24 as the answering Respondent No.24 has not extracted the ground water from the earth for the purposes of its building construction activities as the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA for its business construction activities and the construction

For Arihant Infra Realtors Pvt. Ltd.

*Gami*

Director

activities have completed way back in the year 2016. It is wrong and vehemently denied that the Applicants however have learnt, that in the case of Noida Extension, the private builders do not have groundwater NOCs granted to them from the time they started extracting groundwater in high volumes in CGWA regime itself since the last decade or so, still no action against these private developers has been taken by the CGWA, CPCB, UPPCB or the local administration, in total disregard of the environmental laws. It is submitted that the allegations/averments made against the answering Respondent No.24 is totally imaginary, fictitious, fabricated and manipulated by the Applicants under the garb to extract ill gotten benefits on one pretext or the other for enriching the Applicants. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

18. That the contents of para no. 18 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is submitted that the answering Respondent No.24 has been procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA for its construction activities and has never ever extracted illegally any ground water from the earth for the use of construction activities and as such the averments/allegations made by the Applicants are totally out of context and is not at all attributable to the answering Respondent No.24 herein. The rest of the contents of the para under reply needs no comments as the same is dealing with the judgment passed by the "Hon'ble NGT" and the para nos. 308, 309, 310 & 311 are the extracts of the said Judgment. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
19. That the contents of para no. 19 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is

submitted that in the current para the Applicants are discussing about directions of the "Hon'ble NGT" upon the judgments passed recently. It is submitted that the answering Respondent No.24 has been procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA for its construction activities and have never ever extracted illegally any ground water from the earth for the use of construction activities and as such the averments/allegations made by the Applicants are totally out of context and is not at all attributable to the answering Respondent No.24 herein. It is wrong and vehemently denied that as pointed out earlier, in the present case too, the violations are continuing without previous NOCs. It is submitted that the Applicants are trying to unnecessarily drag the answering Respondent No.24 into the alleged issues of extraction of ground water from the earth for using the same for its building construction activities whereas, the answering Respondent No.24 has got nothing to do with the extraction of ground water from the earth as the answering Respondent No.24 was procuring the water from Sewerage Treatment Plant (ie. STP) of GNIDA which is a matter of fact and record. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

20. That the contents of para no. 20 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that in response to an RTI query by the Applicants the Central Ground Water Board has stated in a reply dated August 9, 2021 that the "Annual Decadal Fluctuation" post-monsoon in whole of Gautambudh Nagar is 7.79 meters pointing out to an alarming situation. It is submitted that the answering Respondent No.24 is an unnecessary party to the present proceedings as there is no valid cause of action existing between the answering Respondent No.24 and the

For Arihant Infra Realtors Pvt. Ltd.


 Director

Applicants besides, the answering Respondent No.24 has not extracted ground water from the earth for the purposes of its building construction activities whereas the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

21. That the contents of para no. 21 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that representations were made to Member Secretary, CPCB, Delhi; Member Secretary, Central Ground Water Authority (CGWA), Delhi; Member Secretary Uttar Pradesh Pollution Control Board (UPPCB), Member Secretary, Central Pollution Control Board (CPCB), Principal Secretary, Environment, UP, Director, UP Ground Water Dept. and CEO of Greater Noida Industrial Development Authority (GNIDA) on 03.09.2021. Each and every averment which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

That the contents of sub para of para no.21 the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong, and vehemently denied for want of knowledge that a similar response came from Chief Environment Officer at UPPCB's office on 17.09.2021 writing to the Regional Officer for taking further action who in turn wrote a letter to the Gr. Noida Industrial Development Authority on 20.10.2021, but no action has been taken so far by the CGWA, CPCB, Member Secretary UPPCB, GNIDA, DM or the UP Ground Water Department. Each and every averment which are not specifically denied or

For Arihant Infra Realtors Pvt. Ltd.

  
Director

replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

That the contents of sub para of para no. 21 of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the Applicants humbly submit that they are not filing copies of a list of "notified" areas/blocks of Uttar Pradesh, "CGWA Assessment of blocks 2020", as well as recent Hon'ble NGT judgments, the NITI Ayog Report of 2018, as mentioned above and full text of the UP Industrial Area Development Act 1976, to avoid making the record voluminous. However, the Applicants undertake to produce the same on record if and when directed by this Hon'ble Tribunal. Each and every avement which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

**PARAWISE REPLY TO GROUNDS:**

22. That the contents of para no. 22 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied that in Greater Noida West or Noida Extension, large-scale extraction of groundwater is continuing unabated illegally and without any NOCs by the project proponents, whereas in its recent judgments the Hon'ble NGT had denounced the practice by the CGWA and UP Ground Water Department, for allowing limitless groundwater permission for even those entities, which had previous valid NOCs. It is submitted that the answering Respondent No.24 have not extracted ground water from the earth for the purposes of its building construction activities as alleged by the Applicants herein. It is further submitted that the answering Respondent No.24 was procuring the water

For Arihant Infra Realtors Pvt. Ltd.

 Director

from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

23. That the contents of para no. 23 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent that the UP Industrial Area Development Act 1976 that governs the functioning of the sanctioning authority, i.e. Greater Noida Industrial Development Authority or GNIDA mandates that water supply shall be one of the "amenities" to be provided by the GNIDA, but it is wrong and vehemently denied that however, while overlooking this fact the GNIDA has given approval to hundreds of high-rise residential and commercial projects without making a provision for water supply, leading to illegal groundwater extraction. It is submitted by the answering Respondent No.24 that as aforesaid in the foregoing paras no illegal extraction of ground water from the earth was carried out for the purposes of the building construction activities as alleged by the Applicants herein and as such the present Application of the Applicants does not disclose a valid cause of action upon the answering Respondent No.24 and in view of the above, the present Application of the Applicants are thus liable to be dismissed *in limine*. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

24. That the contents of para no. 24 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is not denied only to the extent that in so far as the quoting of recent judgments are concerned the answering Respondent No.24 is not disputing the same but it is wrong and vehemently denied that the answering

For Arihant Infra Realtors Pvt. Ltd.

  
Director

Respondent No.24 is extracting ground water from the earth for the purposes of its building construction activities as the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time and as such there is no substance in the ground of the Applicants and as such the Application of the Applicants are deserved to be dismissed outrightly. It is wrong and vehemently denied that however, in the present case the extraction is totally illegal and is being done without permission from the very beginning. It is submitted that the answering Respondent No.24 is not at all doing any extraction of the ground water from the earth as alleged by the Applicants herein. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

25. That the contents of para no. 25 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied that the project proponents, namely private developers and builders are extracting groundwater illegally without any previous consent/NOC from CGWA and no present NOC. It is submitted that the answering Respondent No.24 is not at all extracting ground water from the earth for the purposes of its building construction activities as the water is being procured from Sewerage Treatment Plant (ie. STP) of GNIDA upon payment of applicable charges. The rest of the contents of the para under reply needs no comments being Statutory Acts. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

26. That the contents of para no. 26 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is

For Arhant Infra Realtors Pvt. Ltd.

*Jam'* Director

wrong and vehemently denied for want of knowledge that Noida Extension (Gr Noida West) is located in a "Notified" block Bisrakh, as classified under the UP Ground Water (Management & Regulation) Act 2019 that does not allow for new abstraction/NOC in notified areas where water table has been falling by 20 cms every year for the last 5 years. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

27. That the contents of para no. 27 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that Noida Extension is located in Bisrakh block that has been classified as an "Over-Exploited" block in the Assessment of Central Ground Water Board (CGWB) of 2020. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
28. That the contents of para no. 28 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that neither the UP Ground Water Department nor the GNIDA has carried out survey of extraction and replenishment of groundwater by the project proponents, as well as of the "Carrying Capacity" of the region with regard to groundwater and as mandated by the Hon'ble NGT in several of its judgments. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
29. That the contents of para no. 29 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as

false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that in absence of enforcement and no fear of the law, the project proponents are carrying such extraction with no Environment Impact Assessment and no accountability on part of state officials and the CGWA. It is submitted that the answering Respondent No.24 is not extracted ground water from the earth for the purposes of its building construction activities as the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

30. That the contents of para no. 32 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that the Applicants have received RTI reply from the CGWB revealing that the "Annual Decadal Fluctuation" post- monsoon in whole of Gautambudh Nagar is 7.79 metres which is an alarming situation by itself. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.
31. That the contents of para no. 31 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. It is wrong and vehemently denied for want of knowledge that data accessed from UP Ground Water Dept. shows that the water table in Bisrakh and adjoining blocks of Greater Noida has been falling by 1-2 metres every year. Each and every averment in the grounds which are not specifically

For Arihant Infra Realtors Pvt. Ltd.

 Director


denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

32. That the contents of para no. 32 of the Grounds of the Application save and except those which are matters of record are hence vehemently denied as false, frivolous, concocted mischievous, incorrect, bogus and baseless. Each and every averment in the grounds which are not specifically denied or replied is hereby vehemently denied. The Applicants are to be put to strict proof in respect thereof.

**REPLY TO LIMITATION:**

It is wrong and vehemently denied that the present Application deals with recurring cause of action and the applicants filed representations for which the authorities have not taken any action till date. It is further wrong and vehemently denied that the Application is within limitation and filed within the meaning of Sections of 14, 15, 18 (1) and 20 of the NGT Act 2010. It is submitted that there is no valid cause of action between the Applicants the answering Respondent No.24 in the first instance as the answering Respondent No.24 has not extracted ground water from the earth for the purposes of its building construction activities besides, the answering Respondent No.24 was procuring the water from the Sewerage Treatment Plant (ie. STP) of GNIDA by paying applicable charges from time to time. The entire allegations/averments made by the Applicants arraying the answering Respondent No.24 as a party in the present proceeding is with an ill motive to unnecessarily harass and disrepute the recognition, reputation and the overall good will of the answering Respondent No.24 for garnering ill gotten benefits to enrich the Applicants herein. Hence, since there is no valid cause of action between the Applicants the answering Respondent No.24 therefore, arraying the answering Respondent No.24 as a party to the present proceedings is not in accordance with Law as there is no cause of action between the parties

For Arihant Infra Realtors Pvt. Ltd.

 Director

hereto. Thus, in view of the above submissions and in the light of the same, the answering Respondent No.24 may kindly be deleted from the array of parties with exemplary cost(s) in favour of the answering Respondent No.24.

**PRAYER:**

In view of the aforesaid facts and circumstances of the case and in the light of the same, it is therefore, most respectfully prayed that the "Hon'ble NGT" may be graciously pleased to:

- a) delete the answering Respondent No.24 from the array of parties as there is no cause of action by and between the Applicants and the answering Respondent No.24;
- b) dismiss the Application filed by the Applicants against the answering Respondent No.24 as not entertainable and maintainable in the given facts and circumstances of the case;
- c) award exemplary cost(s) in favour of the answering Respondent No.24 and against the Applicants herein for filing the false and frivolous Application against the answering Respondent No.24 without any cause of action; and
- d) pass such other further order(s) as this "Hon'ble NGT" may deem fit in accordance with the facts and circumstances of the case.

For Arihant Infra Health Pvt. Ltd.

*Jain*

Director

[Respondent No.24

Through its Director/AR

Rajesh Jain]

**Through:**

*Md. Ghulam Akbar*  
Rakesh Sinha/Md. Ghulam Akbar/

Jeemon Raju K/ Sushant Shekhar/

Rishabh Raj Dubey/ Shantanu Mishra

& Shruti Deo

Counsels for the Respondent No.24

Ind-Legal

Advocates & Solicitors

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2858

-30-

New Delhi-110024

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Email.rakeshsinha@indlegal.in

mgakbar@indlegal.in

jeemon@indlegal.in

Tel No. 011-24332786

Fax No. 011-45070434

Place: New Delhi

Date: 27.04.2024

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Filed under Section 14 and 15 of the National  
Green Tribunal Act, 2010)**

**ORIGINAL APPLICATION NO. 392 OF 2022**

**IN THE MATTER OF:**

PRASOON PANT & ANOTHER

...APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**AFFIDAVIT**

I, Rajesh Jain, S/o Sh ~~B.C.~~ Jain aged about 62 years, director of M/s Arihant Infra Realtors Private Limited having registered office at 601, 6th Floor, Plot No.17, Sachdeva Tower, Community Centre, Karkardooma, Delhi-110092 do hereby solemnly affirm and state as under:-

1. I say that I am the director/ AR of the Respondent No.24 in the present matter and am well conversant with the facts of the case based on records and as such competent to depose and swear this affidavit in my capacity.
2. I say that the accompanying reply on behalf of the Respondent No.24 to the application under Section 14, 15, 18 (1) & 20 of National Green Tribunal Act, 2010 filed by the Applicants has been drafted by our counsels under my instructions and the contents whereof have been read over and explained to me and I have understood the same para-wise accordingly.

3. I say that the factual submissions of the accompanying reply to the said application of the Applicants are true and correct as per record and to the best of my knowledge and belief and the contents of the said reply are not being repeated herein for the sake of brevity and prolixity.



For Arihant Infra Realtors Pvt. Ltd.  
*Rajesh Jain*  
Director

4. I say that the annexures, if any, appended to the accompanying reply are true copies of their respective originals.

For Arihant Infra Builders Pvt Ltd.

*Gaur*

Deponent  
Director

**VERIFICATION:**

I, the above named deponent do hereby verify that the contents of para Nos.1 to 4 of my above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom nor is any part thereof is false.

25 APR 2024

For Arihant Infra Builders Pvt Ltd.

*Gaur*

Deponent Director

*Sushant*

I identified the deponent who has signed in my presence.

Solemnly sworn before me read over & explained to the deponent Admitted to be correct

*[Signature]*

Oath Commissioner, New Delhi

25 APR 2024





# ARIHANT INFRA REALTORS PVT. LTD.

(Joint Venture of Arihant Build Con Pvt. Ltd. & Mahalaya Infrastructure Pvt. Ltd.)  
Builders & Promoters

Regd. Office.: 601, 6th Floor, Sachdeva Tower, DDA Community Centre, Karkardooma, Delhi-110092

Phone : 011-45681580, 42770201 • E-mail : info@arihantgroup.co.in

CIN No.: U70102DL2010PTC201417

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ANNEXURE-R1/1

**Extract of the Minutes of the meeting of the Board of Arihant Infra Realtors Private Limited held on January 11th, 2024 at 12:30 PM at the registered office of the company 601, 6th Floor. Sachdeva Tower, Community Centre, Karkardooma Delhi - 110092**

**RESOLVED THAT** Chairman informed the board that there is a need to deposit the documents before the National Green Tribunal, Principal Branch, New Delhi for Group Housing Project "ARIHANT ARDEN" located at GH-07A, Sector – 01, Greater Noida West, U.P..

"RESOLVED FURTHER THAT Mr. Rajesh Jain, Director of the company be and is hereby authorized to sign and submit the all documents as required for the purpose."

CERTIFIED TRUE COPY

For Arihant Infra Realtors Pvt. Ltd:

For Arihant Infra Realtors Pvt. Ltd.

  
Director

  
Director

DIRECTOR

DIRECTOR

प्रारूप-8

नियम 7(2) देखिये

ANNEXURE-A1/2



सोसाइटी-रजिस्ट्रीकरण

का

प्रमाण-पत्र

(अधिनियम संख्या 21, 1860 के अधीन )

पंजीकरण संख्या GBN/06174/2018-2019

एतद्वारा प्रमाणित किया जाता है कि ARIHANT ARDEN ASSOCIATION of APARTMENT OWNERS, ARIHANT ARDEN, GH-07A, SECTOR-1, GREATER NOIDA WEST, गीतम बुध्द नगर, 201306 को आज उत्तर प्रदेश में अपनी प्रवृत्ति के संबंध में यथासंशोधित सोसाइटी रजिस्ट्रेशन अधिनियम 1860 के अधीन सम्यक रूप से रजिस्ट्रीकृत किया गया है । यह प्रमाण पत्र दिनांक 15/11/2023 तक विधिमान्य होगा । आज दिनांक 16/11/2018 को मेरे हस्ताक्षर से दिया गया ।

Digitally Signed By  
( subhash singh )

सोसाइटी के रजिस्ट्रार,

उत्तर प्रदेश ।



उत्तर प्रदेश UTTAR PRADESH

EN 590589

**CERTIFICATE OF HANDING OVER OF ARIHANT ARDEN GROUP HOUSING COMPLEX  
(FACILITIES AND SERVICES)**

**GH-07A, SECTOR-1, GREATER NOIDA (U.P.)**

Dated: 15-01-2019

On request made by the Association of Apartment Owners, Arihant Arden (AAO) duly registered vide Registration No. GBN/06174/2018-2019 dated 16-11-2018 with Registrar of Societies, Uttar Pradesh, the company ARIHANT INFRA REALTORS PVT. LTD. hereby agree and handover the possession of the "ARIHANT ARDEN COMPLEX/Group Housing Complex" located at Plot No. GH-07A, Sector-1, Greater Noida, Uttar Pradesh along with all common area, facilities & services together with the relevant documents / NOC's / Certificates to the AAO on 14<sup>TH</sup> January 2019 and the AAO hereby agree & takeover the possession of "ARIHANT ARDEN Group Housing Complex" with effect from 15<sup>th</sup> January 2019 upon terms and conditions detailed herein:

1. With effect from 15<sup>th</sup> January 2019 the AAO has taken over upon themselves the responsibility to maintain and upkeep the facilities and services of the complex to provide safeguard &

*(Signature)*  
Director

*(Signature)*

*(Signature)*

*(Signature)*  
RESIDENT

FOR ARIHANT ARDEN ASSOCIATION OF APARTMENT OWNERS

Security, to ensure that all the facilities / services are provided for enjoyment of all the resident Allottees / Members without any disruption, keeping into safe custody and security the documents handed over to them.

2. To do and perform all such acts which hitherto was provided by the company **Arihant Infra Realtors Pvt. Ltd.** in its capacity as Promoter / Developer of the above Group Housing Project.
3. Pursuant to the handing over the said Group Housing Complex to the AAO, the Company responsibilities and liabilities with respect to the said Complex shall cease and stop from the effective date and the company cannot be held accountable or liable for providing or not providing any facilities, services or benefits within the complex and the Company shall not be held responsible or liable for any loss or damages cause pursuant to the handover of possession of the said complex to the AAO.
4. Hereinafter, all maintenance services shall be provided by the AAO and all annual maintenance contracts shall be assigned / attorned to the AAO. It shall be the duty of the AAO to maintain all the facilities and services in conformity and accordance to the prescribed standards of quality & safety of the concerned authority & shall be maintained & check by the qualified professionals from time to time as may be prescribed.
5. Hereinafter AAO will be Principal employer for Maintenance Agency / Professionals / Technicians etc. employed at complex & will be responsible for all statutory liabilities such as labour license, minimum wages / L.S.I. / P.F. etc.
6. However the Company / Promoter / Developer shall have complete ownership right, title and interest in the unsold units of the apartments and the same shall be the property of the Company and the Company shall have the complete right to sell, transfer, lease, license, etc. in respect of the said properties to the exclusion of the AAO and AAO shall never have any objection to the same. Other than the parking facilities allotted / reserved by the Company, all the remaining parking facilities not allotted to any particular unit / unreserved shall belong to the Company and the Company shall have exclusive right and interest therein. The said unallotted / un-reserved parking spaces / facilities may be allotted / reserved by the Company with respect to the units / apartments belonging to the Company. The Company shall have the right to rent out/Lease out the said Company properties without seeking any permission

For Arihant Infra Realtors Pvt. Ltd.

Director

For ARIHANT ARDEN ASSOCIATION OF APARTMENT OWNERS

(Signature)

(Signature)

(Signature)

(Signature)  
PRESIDENT

or confirmation from the AAO and the residents / occupants of the said properties shall have the right to enjoy all the benefits, facilities & services provided within the said complex subject to payment of applicable maintenance charges as payable by the other residents within the said complex. The prepaid electric meters will be installed by the Promoter / Developer for unsold units and will get energise the same without seeking any permission / confirmation from the AAO.

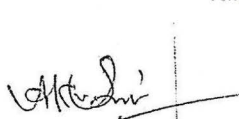

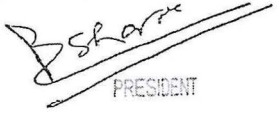
7. The Company representatives or its nominee shall have the right to ingress & egress from the Complex together with right of residents / occupants of the said Company properties to ingress & egress from the said Complex without any objections from the AAO or any of its members with proper gate entry only.
8. However the Company / Promoter / Developer will maintain / retain their marketing office already running in stilt of Tower 'L' & store in basement till all the units / flats are sold & handed over to allottees and shall be entitled to use the infrastructure facilities already existing. The Developer / Promoter shall also be at liberty to have their own security staff. The developer shall however be paying for the electrical & water charges as per the norms applicable. The AAO will allow entry to material required for completion of unsold units in complex and will not object for shifting of unused/balance construction material from the stores of developer with a proper gate pass.
9. Pursuant to the handing over the said group housing complex it is decided between AAO & Company that maintenance charges for the unsold units / apartment will only be applicable after 1 1/2 months of handing over of Complex i.e. from 1<sup>st</sup> June 2019.
10. The AAO will also maintain the common services / facilities of the commercial units which is a part of the complex.
11. The logo, layout, elevation and the name of the complex shall remain the intellectual property of the Developer / Promoter at all times and the Developer / Promoter shall not be under any obligation to part with / share the same with the AAO under any circumstances. The AAO shall not have any right whatsoever to effect, alter or modify such intellectual rights of the developer at any point of time.

For Arhant Infra Realtors Pvt. Ltd

  
Director



For ARHANT ARDEN ASSOCIATION OF APARTMENT OWNERS

    
PRESIDENT

- 12. The Developer / Promoter has obtained a single point electricity and water connection from the State Authorities / Power supplies and have paid the necessary securities for the same. The AAO may get these connection transferred in their own name at their own end & the Developer / Promoter shall be entitled for the refund of the security charges paid by them on such account.
- 13. Pursuant to the handing over of the said Group Housing Complex the AAO will not deduct any kind of maintenance charges from prepaid meters installed for individual allottees as per the orders of Hon'ble Court & NPCL.
- 14. Hereinafter the AAO will be completely responsible for all legal compliances during the running of the maintenance services in the complex.
- 15. The AAO does not have any objection to the above and duly acknowledge the responsibilities & liabilities attached to the handing over of possession of the said Group Housing Complex to the AAO. The AAO agrees to abide by all the rules and regulations, and act for the benefit & enjoyment of the residents / allottees.

The possession is hereby accordingly handed over to the AAO and the AAO duly hereby takes over the possession of "ARIHANT ARDEN GROUP HOUSING COMPLEX" in terms of the understanding reached between the parties in accordance.

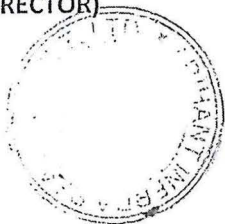
The Documents / NOC's / Certificates handed over is attached herewith as ANNEXURE'S.

POSSESSION HANDED OVER

For Arihant Infra Real Estate Pvt. Ltd.

*[Signature]*  
Director

(DIRECTOR)

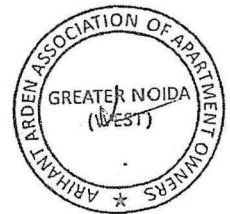


POSSESSION TAKEN OVER

FOR ARIHANT ARDEN ASSOCIATION OF APARTMENT OWNERS

*[Signature]* (PRESIDENT)  
*[Signature]* (VICE PRESIDENT)

*[Signature]* (SECRETARY)  
*[Signature]* (TREASURER)



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ANNEXURE - R-1/4

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## ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण

प्लॉट न०-०१, सेक्टर-के०पी०-४, ग्रेटर नौएडा सिटी, जिला-गौतमबुद्ध नगर (उ०प्र०)।

website: [www.greaternoidaauthority.in](http://www.greaternoidaauthority.in) email id: [authority@gnida.in](mailto:authority@gnida.in)

पत्रांक-जल/2023/नोटिस/69

दिनांक 07/02/2023

**नोटिस**

सेवा में,

मैसर्स/श्री/श्रीमती/क०

ARIHANT INFRA REALTORS PVT. LTD

office No-601, 6th floor,

Sachdeva Tower, Plot No-17

Community Center Karkadooma New Delhi-110092

**विषय:- जल शुल्क देयक के मद में डिफाल्टर धनराशि जमा करने के सम्बन्ध में।**

कृपया उपरोक्त विषयक अवगत कराना है कि ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण द्वारा आवासीय/व्यवसायिक/आईटी/संस्थागत/औद्योगिक/ग्रुप हाउसिंग/बिल्डर्स भूखण्ड संख्या-CAH.074 आवंटन संख्या-BRS.02\1000021, सेक्टर-Sec-01, ग्रेटर नौएडा आपको आवंटित किया गया है, जिस पर वर्तमान में संलग्न जल शुल्क देयक बकाया है।

ऑनलाईन के माध्यम से निम्नानुसार बिल जमा किया जा सकता है:-

<https://investgnida.in/myGNIDAServices/> → click on PAY BILL → Select your Category (Residential/Industrial/Institutional/Commercial/Group Housing/I.T./Builder/6% abadi) → enter your ALLOTMENT NUMBER → enter MOBILE NUMBER → enter O.T.P. (received on your mobile number) → paid your WATER BILL in water bill head

अतः उपरोक्तानुसार डिफाल्ट जल शुल्क देयक धनराशि को पत्र प्राप्ति की तिथि से एक सप्ताह के अन्दर उपरोक्त दिशा-निर्देशों के अनुसार जमा कराना सुनिश्चित करें। निर्धारित समयावधि में डिफाल्ट जल शुल्क धनराशि जमा न कराये जाने की दशा में आपके विरुद्ध नियमानुसार कार्रवाई प्रस्तावित कर दी जायेगी, जिसकी समस्त जिम्मेदारी आपकी होगी।

वरिष्ठ प्रबन्धक (जल)

प्रतिलिपि:-

1. स्टाफ ऑफिसर को, अपर मुख्य कार्यपालक अधिकारी (पी०) महोदया के सादर संज्ञानार्थ।
2. प्रबन्धक/सहायक प्रबन्धक को आवश्यक कार्यवही हेतु।

वरिष्ठ प्रबन्धक (जल)

2868

## GREATER NOIDA INDUSTRIAL DEVELOPMENT AUTHORITY

PLOT NO.1,SECTOR-KNOWLEDGE PARK-IV, GREATER NOIDA CITY,  
GREATER NOIDA DISTRICT GAUTAM BUDH NAGAR . (U.P.)  
Website: www.greaternoidaauthority.in e-Mail: authority@gnida.in

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## BUILDER RESIDENTIAL WATER CHARGES CUM PAYMENT INTIMATION

To,  
M/S ARIHANT INFRA REALTORS PVT. LTD.  
OFFICE NO. 601, 6TH FLOOR,  
SACHIDEVA TOWER, PLOT NO. -17,  
COMMUNITY CENTER, KARKARDOOMA,  
DELHI 110092,DELHI-110092,DELHI-110092,DELHI

Ref: GNIDA/BRS 02\10  
As On Date: 07-Feb-2023 02:43:26 PM  
Allotment No.: BRS 02\1000021  
Plot Size (in SQM): 39400  
Plot No.: GH 07A  
Block: N/A  
Block Name: NONE  
Sector Name: SECTOR-01  
Location: N/A  
Interest: 12%  
Bill Start Date: 15 Dec-2016

Plot Size For WaterBill Generation(in SQM):

39400

Dues Inst.	Due Amount	Due Date	Outstanding at Due Date	Deposit Inst.	Amount Paid	Deposit Date	Outstanding at Deposit Date
1	3,11,456.00	31/03/2017	-5,54,116.80	1	8,50,000.00	2016-2017	-8,50,000.00
2	10,27,800.00	31/03/2018	4,73,683.20	2	27,97,578.00	2021-2022	1,00,74,119.67
3	11,30,580.00	31/03/2019	16,57,841.79	3	13,51,433.00	2022-2023	91,52,657.90
4	12,43,644.00	31/03/2020	30,82,560.59				
5	13,68,008.40	31/03/2021	48,07,031.06				
6	15,04,809.24	31/03/2022	38,75,093.20				
7	16,55,292.00	31/03/2023					
<b>Total</b>	<b>8241589.64</b>				<b>4999011.00</b>		

Outstanding Balance: ₹ 28,41,911.52 As On Last Due/Deposit Date

Interest on Outstanding Balance: ₹ 0.00 as on 30/03/2023

Min. Charges for Bill Period 01/04/2022 To 31/3/2023 : ₹ 1655292.00

Kindly Deposit: ₹ 44,97,203.52

NOTE: GNIDA offers 'ONLINE WATER BILL PAYMENT SERVICES'. You can use this facility after applying KYA. KYA form is available on GNIDA website <http://www.greaternoidaauthority.in>

## NOTE:

1. Please ensure to deposit these charges otherwise Authority will take appropriate action to recover the dues. Expenditure on recovery of above will be borne by you.

2. In case of any discrepancy please contact Water Bill Department.

\*This is a computer generated report, hence require no signature.

## General Condition:

- Discount of 5% will be given against payment of water charges if the annual charges is paid before 1st Six month (1st April to 30th Sep.) of the financial year.
- Rate of 12% annual interest till 28-MAR-2018 and 11% annual interest will be applied from 29-MAR-2018 on Half-Yearly compounding basis on the amount payable for water charges after 31st March will be chargeable in case of non-payment of the annual water charges after the end of the financial year.
- Kindly make payment by using Online Portal.

Your's Sincerely

Manager (Jal)

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

ORIGINAL APPLICATION NO.392/2022

= 27 -

IN THE MATTER OF:

PRASOON PANT & ANR.

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

KNOW ALL to whom these presents shall come that I/We Rajesh Jain, Director/Authorised Representative of Arihant Arden, 601, 6th Floor, Sachdeva Tower Community Centre, Karkardooma, Delhi-110092 the above-named Respondent No.21, DO HEREBY appoint MR. RAKESH SINHA (Enrol No. D-2606/99), MD. GHULAM AKBAR (Enrol No. D-891/98 (R)), MR. JEEMON RAJU K. (Enrol No. D/192/2000), MR. SUSHANT SHEKHAR (Enrol No. D/4464/2022) & MR. RISHABH RAJ DUBEY (Enrol No. D/3847/2023) ADVOCATES OF IND-LEGAL, ADVOCATES, A-138, LGF, DEFENCE COLONY, NEW DELHI-110024 PH: 011-24332786 (hereinafter called the Advocate/s) to be my/our Advocate(s) in the above-noted case and authorise them severally:

Shri. Deo

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the Appellate Court including High Court subject to pay fees separately for each Court by me/us. To sign, file, verify and present Pleadings, Applications Appeals, Cross-Objections or Petitions for executions, review, revision, withdraw, compromise petitions or affidavits or other documents as may be deemed necessary or proper for the prose the said case in all its stages, subject to payment for fees for each stage. To file and take back dc to admit and/or deny the documents of opposite party. To withdraw or compromise the saic submit to arbitration any difference or disputes that may arise touching or in any manner relati said case. To take out execution proceedings. To deposit, draw and receive moneys, cheques, grant receipts thereof and to do all other acts and things which may be necessary to be don progress and in the course of the prosecution of the said case. To appoint and instruct any oth Practitioner or person authorising him to exercise the powers and authority hereby conferred Advocate as he may think fit to do so and sign the Power of Attorney in this behalf on mv/our behalf And I/we the undersigned do hereby agree to ratify and confirm all acts done substitute in the matter as my/our own acts, as if done by me/us to all intents undertake that I/we or my/our duly authorised agent would appear in Court inform the Advocate for appearance when the case is called.



And I / we undersigned do hereby agree not to hold the Advocate or his the result of the said case. The adjournment or other costs whatever ordered by Advocate which he shall receive and retain for himself.



And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and the above Court and unless agreed by the Advocate in writing shall be for a period of three years only. I/we hereby agree that once the fees is paid, I/We will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents, the contents of which have been read over and explained to and understood by me/us on this 11<sup>th</sup> day of January, 2024.

ADVOCATE(S)

For Arihant Infra Realtors Pvt. Ltd.

CLIENT(S)  
Director

**2870**

Re: Copy of Complete Petition in Prasoon Pant OA No. 392 of 2022

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From: jeemon raju (jeemon@ndlegal.in)

To: dclaw160@gmail.com

Cc: rakeshsinha@indlegal.in; mgarbar@ndlegal.in; jeemon@indlegal.in

Date: Saturday, April 27, 2024 at 05:20 PM GMT+5:30

Dear Sir,

This e-mail is with reference to the subject matter whereby we are attaching here with the scanned copy of the reply to the application filed before the Hon'ble NCT by way of advance service. Please, kindly acknowledge the e-mail and oblige.

An early response in this regard will highly appreciated.

In case of clarifications, if any, please feel free to revert ASAP.

Looking forward to hearing from you at the earliest.

Thanking You,

Regards,

**Jeemon Raju K****(Advocate)**

## Ind-Legal

Advocates and Solicitors

A-138, Lower Ground Floor,

Defence Colony, New Delhi-110024.

Phone No.:+91-11-24332786

Telefax No.:+91-11-45070434

Mob. No.:+91-99119-88777.

Please DO NOT PRINT this e-mail unless you REALLY NEED to !

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2871

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43

On Wednesday, April 3, 2024 at 04:32:46 PM GMT+5:30, DC Law Chambers <dcclaw160@gmail.com> wrote:

Dear Sir,  
Please find attached- Copy of Complete Petition in Prasoan Pant OA No. 392 of 2022  
Thanks & Regards

Counsel for the Applicant



REPLY\_PRASOON PANT & ANOTHER VS UIO & ORS.pdf  
19.5MB