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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN
ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 11 OF 2026 (WZ)

IN THE MATTER OF:

SURTI MOHAMMED IRFAN

...APPLICANT

VERSUS

M/S. NHH TEXTILE PROCESSORS LTD. AND ORS

...RESPONDENTS

**REPLY ON BEHALF OF RESPONDENT NO. 5, CENTRAL GROUND
WATER AUTHORITY AND RESPONDENT NO. 6, CENTRAL GROUND
WATER BOARD - WEST CENTRAL REGION**

I, BISWARUP MOHAPATRA aged about 48 yrs., S/o ANTARYAMI MOHAPATRA
working as Scientist - D having Office at
CGWB, WCR, Ahmedabad, Gujarat do hereby
solemnly affirm and state on oath as under: -

1. That I am the Scientist - D, CGWB, WCR, Ahmedabad, Gujarat
herein, and I am duly authorised and competent to swear this affidavit on
behalf of Respondent No. 5, the Central Ground Water Authority (CGWA),
and Respondent No. 6, the Central Ground Water Board - West Central
Region (CGWB-WCR). I am fully conversant with the facts and
circumstances of the present case based on official records maintained by
the Respondent No. 5 and 6.

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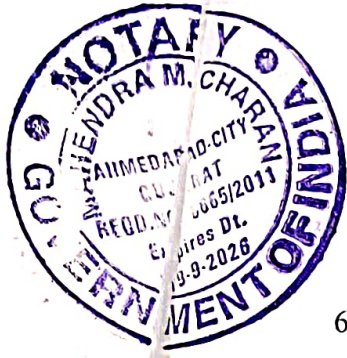


2. That I have read and understood the contents of the Original Application No. 11/2026 (WZ) filed by the Applicant. The averments made therein, to the extent they allege any dereliction of duty, inaction, or negligence on the part of the Respondent No. 5 and 6, are vehemently denied as being contrary to the facts on record and misconceived in law.

PRELIMINARY SUBMISSIONS

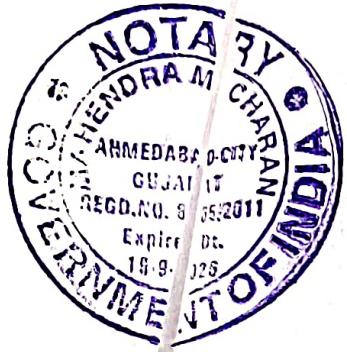
3. That it is submitted that Respondent No. 5 has been constituted under Section 3(3) of the Environment (Protection) Act, 1986, to regulate and control the development and management of groundwater resources in the country. The CGWA periodically updates guidelines for regulating groundwater extraction.
4. That in exercise of the said powers, the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, issued a notification dated 24.09.2020, which provides a comprehensive framework for the grant of No Objection Certificates (NOC) for groundwater withdrawal, Sealing of Borewell in case of illegal extraction, imposing Environmental Compensation. It is submitted that as per the said notification, all new/existing industries abstracting groundwater are mandated to obtain an NOC from the CGWA or the concerned State/UT Ground Water Authority/Board.
5. That it is most respectfully submitted that the Respondent Nos. 5 and 6 have acted diligently and without any delay upon receiving information regarding the illegal abstraction of groundwater by Respondent No. 1. The Respondents Nos 5 and 6 have discharged their statutory duties in accordance with the established legal framework.

B. S. Chavhan



6. That the enforcement mechanism for taking action against illegal groundwater abstraction is explicitly detailed in Para 13 of the aforesaid notification dated 24.09.2020. This para designates the District Magistrate/District Collector/Sub Divisional Magistrate of each revenue district as the "Authorised Officer" and delegates them with powers under Section 5 of the Environment (Protection) Act, 1986, to take necessary enforcement actions, including but not limited to sealing illegal wells, disconnecting electricity supply, and launching prosecution against offenders. In the present matter, Respondent No. 4 is the designated Authorised Officer. The copy of the Notification dt.24.09.2020 is annexed as Annexure-A.
7. That upon verification of the facts, and finding that Respondent No. 1 was operating without a valid NOC, Respondents Nos 5 and 6 took the following prompt actions:
 - a. On 30.06.2025, the Respondent No. 6 addressed a letter to the Respondent No. 4, informing them of the illegal abstraction of groundwater by Respondent No. 1 and requesting that the necessary action be taken in accordance with Para 13 of the guidelines. The copy of the said letter is annexed as Annexure-B.
 - b. On 21.07.2025, Respondent No. 5 issued a Show-Cause Notice to Respondent No. 1, directing it to explain why action should not be taken against it for the violation. The copy of the Show Cause Notice dt.21.07.25 is annexed as Annexure-C.
 - c. As no response was received from Respondent No. 1, the CGWA issued a second Show-Cause Notice on 17.09.2025. The copy of the Show Cause Notice dt.17.09.25 is annexed as Annexure-D.

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- d. On 24.09.2025, the CGWA followed up with Respondent No. 4, seeking an Action Taken Report (ATR) on the matter, to which a reply is still awaited. The copy of the said letter is annexed as Annexure-E.
8. That it is submitted that the Respondent Nos. 5 and 6 lack the physical infrastructure, field staff, and police powers to carry out on-ground enforcement actions such as sealing borewells or disconnecting electricity supply. The regulatory framework is designed for a coordinated effort, where the CGWA provides technical and regulatory oversight, and the district administration, commanded by Respondent No. 4, provides the necessary enforcement machinery. The failure of the enforcement component cannot be attributed to a failure of the regulatory body.
 9. That the Applicant's own prayers, which seek directions against Respondent No. 3 for closure and against Respondent No. 4 for sealing the borewell, implicitly acknowledge that the primary enforcement powers are vested with these other Respondents, and not with the Respondent No. 5 and 6.
 10. That with respect to the calculation of Environmental Compensation (EC) and Groundwater Charges by the Applicant, it is submitted that any such liability on Respondent No. 1 must be calculated strictly in accordance with the methodologies prescribed by the Notification of Ministry of Jalshakti, Govt. of India. It is further submitted that, as per established norms, Environmental Compensation and groundwater abstraction charges cannot be imposed simultaneously for the same period of violation, as EC is a penalty for the violation, while charges are for the resource used. The final amount is subject to verification and assessment by the competent authority.

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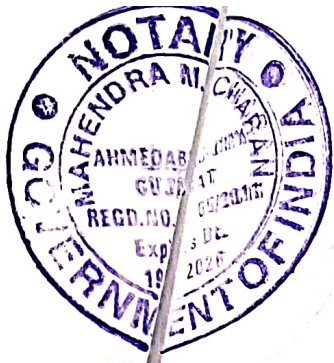


11. That the Respondents Nos 5 and 6 have fulfilled their obligations by identifying the violation, issuing notices to the violator, and formally referring the matter to the designated enforcement authority, Respondent No. 4, for coercive action. There has been no laxity or delay on the part of the Respondents Nos 5 and 6.

GROUNDS

12. That the Respondent No. 5 and 6 are statutory bodies established under the Environment (Protection) Act, 1986, with specific mandates concerning the regulation and management of groundwater resources. While CGWA is the regulatory authority for granting No Objection Certificates (NOCs) for groundwater abstraction, the on-ground enforcement, including sealing of borewells/tubewells and disconnection of electricity supply, is primarily entrusted to the District Magistrate/District Collector (DM/DC) as per para 13 of the guidelines for groundwater abstraction.
13. That Respondent No. 5 has diligently performed its regulatory functions by verifying the status of groundwater abstraction permission for Respondent No. 1. Upon receiving an RTI query on 23.12.2024, it was confirmed on 22.01.2025 that Respondent No. 1 had not obtained the requisite permission for groundwater withdrawal. Subsequently, Respondent No. 5 issued a show-cause notice to Respondent No. 1 on 21.07.2025, followed by a second show-cause notice on 17.09.2025, seeking an explanation for the unauthorised abstraction.
14. That Respondent No. 6 has also taken proactive steps by communicating with the designated enforcement authority. On 30.06.2025, Respondent No. 6 wrote to Respondent No. 4, requesting necessary action against

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- Respondent No. 1 for illegal abstraction of groundwater, explicitly citing the DM/DC's role as the designated officer under para 13 of the guidelines. Furthermore, in response to the applicant's request for direct enforcement, Respondent No. 6 wrote to CGWA Headquarters, New Delhi, on 12.01.2026, seeking directions for direct enforcement under the Environment (Protection) Act, 1986, bypassing the Respondent No. 4.
15. That despite repeated communications from both Respondent Nos. 5 and 6, the Respondent No. 4, who is the primary designated authority for taking coercive action such as sealing of borewells/tubewells and disconnecting electricity supply, has failed to provide an Action Taken Report (ATR) regarding the enforcement measures initiated. On 24.09.2025, CGWA specifically requested Respondent No. 4 for the status of action taken, but no response has been received to date, indicating a clear lapse in enforcement at the local administrative level.
16. That the calculations of Environmental Compensation (EC) amounting to ₹34,07,720 and groundwater charges amounting to ₹2,10,220, as presented by the Applicant in the Original Application, are not in strict accordance with the applicable CGWA guidelines. It is further submitted that, as per the prevailing norms and guidelines, both groundwater charges and Environmental Compensation cannot be imposed simultaneously for the same period, as they serve distinct purposes and are calculated based on different parameters.
17. That the Respondent No. 1, had shown a persistent disregard for environmental regulations by operating without the mandatory CGWA No Objection Certificate and has failed to respond to the show-cause notices

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issued by CGWA. This non-cooperation from the Project Proponent significantly impeded the regulatory process and necessitates decisive enforcement action from the designated authorities.

18. That the Respondent No. 1 has obtained NOC from Central Ground Water Authority on 05.03.2026 valid from 25.02.2026 to 24.02.2028 attached as Annexure-F.
19. That the framework for groundwater regulation and enforcement is designed to ensure a clear division of responsibilities, with Respondent No. 5 and 6 acting as regulatory and advisory bodies, and local administrative authorities like the Respondent No. 4 being responsible for on-ground enforcement. Any deviation from this established framework, such as direct enforcement by Respondent No. 5 and 6, would require specific directions from the Hon'ble Tribunal to avoid jurisdictional ambiguities and ensure effective implementation.
20. That the Respondents No. 5 and 6 are committed to ensuring compliance with environmental laws and regulations concerning groundwater management. Answering respondents are ready to take any further steps as may be directed by this Hon'ble Tribunal to ensure that Respondent No. 1 complies with all statutory requirements and that illegal groundwater abstraction is effectively curbed.


Deponent

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Verification
Verified at Ahmedabad on 21 APR 2026

March 2026 that the contents of the above reply affidavit is true and correct to the best of my knowledge and belief and derived from the official records.

Borahali
Deponent

Seria! No. : A/682.....2026

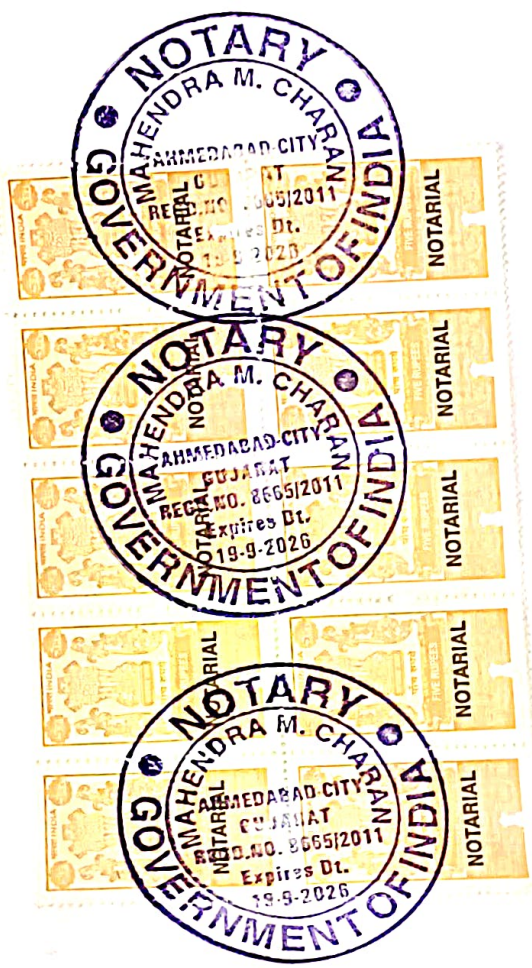
Mahendra M. Charan
MAHENDRA M. CHARAN
NOTARY
GOVT. OF INDIA

21 APR 2026

SOLEMNLY AFFIRMED
BEFORE ME

Mahendra M. Charan
MAHENDRA M. CHARAN
NOTARY
GOVT. OF INDIA

21 APR 2026



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Annexure F



भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन विभाग,
केंद्रीय 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 N.H.H. TEXTILE PROCESSORS	
PROJECT ADDRESS OPP: NEW DHOR BAZAAR, BEHRAMPURA, AHMEDABAD -380023	PIN CODE 380023
STATE GUJARAT	DISTRICT AHMEDABAD
TOWN/BLOCK AHMEDABAD CITY AND DASKROI	
COMMUNICATION ADDRESS GROUND FLOOR, C/243 F.P 114, OPP NEW DHOR BAZAR,	
ADDRESS OF CGWB REGIONAL OFFICE Opp Chanakyapuri Sector-3 Nr Swastik Bunglows, Part-1 R.C Technical Road, Ghatlodiya Ahmedabad-380061	
1. NOC NO. NOC/IND/GJ/2026/2931/N	2. DATE OF ISSUANCE 05/03/2026
3. APPLICATION NO. IND/GJ/2026/2931	4. APPLICATION TYPE Industry
5. PROJECT STATUS Existing Project	6. NOC TYPE New
7. VALID FROM 25/02/2026	8. VALID UP TO 24/02/2028
9. WATER QUALITY TYPE Fresh Water	10. AREA TYPE CATEGORY Over Exploited (GWRE - 2024)

11. Ground Water Abstraction Permitted

GW Abstraction		Dewatering		Total	
m ³ /day	m ³ /year	m ³ /day	m ³ /year	m ³ /day	m ³ /year
18.00	5040.00	0.00	0.00	18.00	5040.00

12. Details of Ground Water Abstraction /Dewatering Structures

EXISTING 1					PROPOSED 0					TOTAL 1				
DW	DCB	BW	TW	Pu	DW	DCB	BW	TW	Pu	DW	DCB	BW	TW	Pu
0	0	0	1	0	0	0	0	0	0	0	0	0	1	0

*DW-Dug Well; DCB-Dug-cum-Bore Well; BW-Bore Well; TW-Tube Well; Pu Pumps;

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

Phase I (within 30 days)

1. Installation of tamper proof digital water flow meter with telemetry on all the abstraction structure(s) is mandatory for all users seeking No Objection Certificate. Intimation regarding their installation shall be updated in Self-Compliance Module (Phase-I) of BhuNeer APP portal within 30 days of grant of No Objection Certificate.

Phase II (within 11 months)

1. Proponents shall mandatorily get water flow meter calibrated from an authorized agency once in a year.

2. Construction of purpose-built observation wells (piezometers) for ground water level monitoring is 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 notified guidelines.

3. Proponents shall monitor quality of ground water from all 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 analyzed in NABL accredited or Govt. approved 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.

All the above-mentioned mandatory compliance conditions are to be filed online in BHUNEER APP (<https://cgwa-bhuneer.mowr.gov.in>) timely.

General Conditions:

1. 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 and amendment thereto, if any.
2. 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.
3. 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.
4. 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).
5. The proponent shall seek prior permission from CGWA for any increase in quantum of groundwater abstraction as permitted in NOC.
6. Proponents shall install roof top rain water harvesting in the premise as per the existing building bye laws.
7. Proponents, who have installed/constructed rain water harvesting and artificial recharge structures shall continue to regularly maintain the water conservation structures.
8. 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.
9. 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 CPCB list), no recharge measures shall be taken up by such firms inside the plant premises. The runoff generated from the rooftop shall be stored and put to beneficial use by the firm. The firm need to undertake necessary well head protection measures to ensure prevention of ground water pollution as per Annexure III of the notified guidelines
10. Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
11. 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.
12. 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.
13. This NOC does not absolve the proponents of their obligation / requirement to obtain other statutory and administrative clearances from appropriate authorities.
14. 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.
15. 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 6 months of taking over possession of the premises.
16. 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.
17. In case of infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting

18. 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.

19. In the self-compliance report, the PP shall submit details of Drilling Agency/ Agencies, which has/ have constructed BW(s)/ TW(s) along with undertaking to the effect that all necessary measures have been taken as per directions of Hon'ble Supreme Court provided in Annexure-VII of guidelines dated 24.09.2020 in respect of abandoned/ failed BW(s)/ TW(s)/Piezometer(s), if any. The PP is advised to engage registered drilling agency/agencies. In the event of any mishap/ unfortunate incident due to negligence in taking measures for prevention of accident due to falling in Bore Well, both PP and concerned drilling agency shall jointly be held responsible and penal action as per extant Government rules shall be taken.

20. Non-compliance of the conditions mentioned above is likely to result in the cancellation of NOC and legal action against the proponent. In case of violation of any NOC conditions, the applicant shall be liable to pay the penalties as per Section 16 of Guidelines
