

**BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI**

Original Application No. 636/2022

**IN THE MATTER OF:**

Ashish Chaubey

...Applicant

Versus

ACP Tollways Pvt Ltd & Ors.

...Respondents

**I N D E X**

NDOH.22.08.2023

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Place: New Delhi  
Dated:17.08.2023

THROUGH



**GIGI C. GOERGE  
ADVOCATE**

**FOR RESPONDENT No. 5  
CHAMBER NO.457, LAWYER BLOCK-1  
DELHI HIGH COURT, NEW DELHI  
MOB-9810625315  
EMAIL-gigicgeorge.adv42@yahoo.in**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO.636 OF 2022

Ashish Chaubey

---- Applicant

Versus

ACP Tollways Private Ltd. & Ors.

---- Respondents

REPLY ON BEHALF OF RESPONDENT NO.5

1. That the present reply is filed by D.F.O, Sonbhadra, State of Uttar Pradesh.
2. That the Respondent No.1/ACP Tollways Pvt.Ltd. has constructed residential colony and offices in violation of Para/Condition No.8,11 and 18 of the No Objection Certificate dt.31.03.2014 vide letter no.3308/14-02-2013-800(70)/2013 issued by Special Secretary, Govt. of Uttar Pradesh

*"Para/Condition No.8 - No Labour Camp shall be established on the Forest Land*

*Para/Condition No.11- Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and the muck/debris will not be allowed to roll down the hill slopes.*

*Para/Condition No.18- No Labour camp shall be established on the forest land. The user agency shall also provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas".*

  
REGIONAL FOREST OFFICE  
SONBHADRA FOREST DIVISION  
SONBHADRA (U.P.)

3. That the answering respondent DFO Sonbhadra sought a reply from Uttar Pradesh State Highway Authority(UPSHA) vide letter no.1038/Sonbhadra/33 dt.31.12.2022 indicating Para 7 and Para 19 of the NOC letter dt.31.03.2014 issued by Special Secretary, Govt.of Uttar Pradesh which has been violated. *"It says Para 7: The layout plan of the proposal shall not be changed without the prior approval of the Central Government. Para19: The reverted forest land will be demarcated by 54 ft high strong cement concrete pillars at the cost of the project. Serial Numbers bothways i.e. back ward and forward will be marked on each pillar."*
4. That the Uttar Pradesh State Highway Authority replied through their letter no.990/Pradesh vi/-18/SH-5A/F-63/2022-23/upsha/lucknow dt.12.01.23 that UPSHA constructed road on PPP model based on Design, Build, Finance, Operate and Transfer. UPSHA asked the concessionaire to provide detailed comments.
5. That the ACP Tollways Pvt.Ltd. replied to Member(Tech.) UPSHA through letter no.ACPTP/UPSHA/CAMP/2022-23/126 dt.05.01.23 stating that as per conditions of the Forest Clearance, the Toll Plaza Administrative Building @TP-02 was proposed to be constructed on the left hand side(LHS) of the project Highway. However due to the technical feasibility and suitability of the land, Concessionaire has opted to construct the said building on Right Hand Side(RHS) of the Toll Plaza well within the Right of Way(ROW) earmarked for the project. They further stated that the existing

  
DIVISIONAL FOREST OFFICER  
SONBHADRA FOREST DIVISION  
- SONBHADRA (U.P.)

road(prior augmentation to Four-laning) was in curve and elevated being hilly terrain which was later straightened as per the designed alignment for four laning works. In this process of fitting the alignment, the Toll Plaza Administrative Building is falling on the RHS of augmented Project Highway which is in fact is matching with the previous proposed location i.e. LHS of existing Highway. Hence there is no material deviation in construction of the Toll Plaza Administrative Building at TP-02. In reply to Para 19 regarding violation of Forest land they replied that Forest Department is not cooperating with them.

6. That from the above it is clear that ACP Tollways Pvt.Ltd. has violated conditions mentioned in Para 7 and 19 of the NOC issued. It is further submitted that ACP Tollways Pvt.Ltd. has changed the layout plan without the prior approval of the Central Government. It is further submitted that ACP Tollways has violated Para 19 by not fixing 54ft high pillars on the reverted forest land after passing of several years and blaming falsely the Forest Department for non-cooperation.

THROUGH

RESPONDENT NO.5

D.F.O., SONBHADRA

SONBHADRA FOREST DIVISION  
SONBHADRA (U.P.)

GIGI.C.GEORGE

ADVOCATE

Standing Counsel  
State of U.P.



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Dheeraj Singh &lt;dheeraj.adv001@gmail.com&gt;

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**Reply on behalf of the Respondent No.5 in case title Ashish Chaubey Vs ACP Tollways Pvt Ltd & Ors in OA.No.636 of 2022**

1 message

**Dheeraj Singh** <dheeraj.adv001@gmail.com>

18 August 2023 at 11:42

To: kausar raza faridi &lt;advkrfaridi@gmail.com&gt;

Dear sir,

I am annexing Reply on behalf of the Respondent No.5 in case title Ashish Chaubey Vs ACP Tollways Pvt Ltd & Ors in OA.No.636 of 2022

Thanks

Dheeraj Singh, adv

Junior of Gigi.C.George, Adv

Ch. 336, Lawyers Chamber Block,

Saket District Court

Email. Gigicgeorge.adv42@yahoo.in

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