

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

Original Application No. 738 OF 2024

IN THE MATTER OF:

Nehru Place Hotels Private Limited

...Applicant

Versus

Union of India & Ors.

...Respondent(s)

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Filed by:

**(NARENDER PAL SINGH)**

Advocate for Respondent No. 06

Ch. #8 Lawyers Chamber,

Patiala House Courts,

New Delhi-110001

K-18, Level-1,

Green Park Main,

New Delhi -110016

New Delhi

Dated: 20/01/2025

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REPLY ON BEHALF OF BABE KI HOSPITAL AND EDUCATION CHARITABLE
TRUST (RESPONDENT NO. 6)

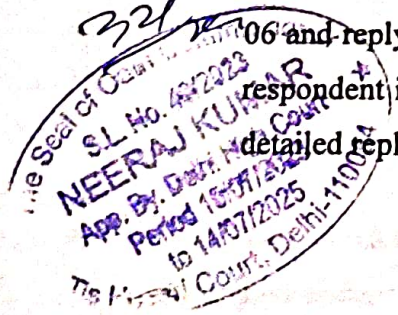
MOST RESPECTFULLY SHOWETH:

I, Rakesh Kumar, aged about 67 years S/o Late Sh. Kanwal Kishore, R/o A-6/10 Rana Pratap Bagh, New Delhi, currently the Trustee/ Representative of Babe Ki Hospital and Education Charitable Trust, do hereby solemnly affirm and state as under:

That I, in my official capacity in the Babe Ki Hospital and Education Charitable Trust, i.e. Respondent No. 06 in the above-mentioned matter, I am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.

I. That on the very outset the Respondent No. 06 denies each and every allegation made therein the petition except that of those specially admitted herein below.

II. That the contents of the Original Application have been read over by Respondent No. 06 and reply to the same is as follows, besides, filing para wise reply to the same the respondent is filing a short reply with preliminary objections and if need arise than a detailed reply will be filed at later stage with the permission of the Hon'ble Court.



Rakesh Kumar

PRELIMINARY SUBMISSIONS:

1. That the present application is not maintainable either in law or in facts. The applicant have concealed the material facts from this Hon'ble Tribunal and has not approached with clean hands and the same is liable to be dismissed being baseless and incorrect.
2. The reply is being filed on behalf of Respondent No. 6, Babe Ki Hospital and Education Charitable Trust, in compliance with the Hon'ble Tribunal's order dated 30.09.2024, wherein the Respondent was directed to file its counter-affidavit. At the outset, the Respondent denies all the allegations made by the Applicant in the Original Application and reserves the right to file a detailed reply if the need arises, with the permission of this Hon'ble Tribunal.
3. That the Applicant's claim that the land in question has been mutilated by non-forestry acts allegedly carried out by Respondent No. 6 is vehemently denied, completely false and a fabricated statement.
4. That the land mentioned in the Original Application Respondent No. 6 has no connection to the land alleged. The land referred to in this application does not pertain to Respondent No. 6 or its trust.
5. That the trust of Respondent No. 6 owns a similar type of land measuring 103 acres at Sohna, Raisina Village, Gurugram. However, the subject matter of the present case does not involve the trust's land.
6. That the Respondent No. 6 submits that the trust holds land measuring 103 acres located in Sohna, Raisina Village, Gurugram. However, a significant portion of the land is barren, and no construction activities, including the erection of walls or structures, have been carried out by the present trustees. The walls referenced by the Applicant were pre-existing, before the present trustees took over the trust.
7. That the Respondent No. 6 categorically denies all allegations of involvement in impermissible activities such as tree felling, construction of iron gates, brick walls, guardrooms, or barbed wire fencing on the land mentioned in the application. These allegations are baseless, unsubstantiated, and fabricated.

Rakesh Kumar

8. It is pertinent to mention that the similar Civil litigation was previously initiated by the Applicant before the Sohna Court, Haryana, involving the same allegations, but having more respondents. On not obtaining favourable relief from the civil court, the Applicant has now approached this Hon'ble Tribunal on the same cause of action. Such conduct is not only improper but also demonstrates an abuse of process, and the present application is liable to be dismissed. Next date of hearing in Sohna court is 14.02.2025.
9. That it is pertinent to mention that the Applicant has initiated similar litigation before the Sohna Court on the same cause of action. However, in the Sohna proceedings, the Applicant has included other parties as respondents, who have not been made parties before this Hon'ble Tribunal. This demonstrates the Applicant's selective approach and highlights their mala fide intentions toward Respondent No. 6.
10. That Respondent No. 6 adheres to all applicable laws, rules, and regulations, particularly those concerning environmental norms and land use. The Trust ensures strict compliance with legal provisions and undertakes no activities that violate environmental or legal norms.
11. That Respondent No. 6 further states that the Trust is a responsible entity that has always operated within the bounds of legality and environmental sustainability. The allegations made by the Applicant are entirely baseless and false and fabricated.
12. That Respondent No. 6 respectfully submits that no cause of action has arisen against the Trust, as it has no connection to the activities alleged by the Applicant. The Trust reiterates its non-involvement in the alleged activities and emphasizes that it has not undertaken any actions detrimental to the environment or in violation of the applicable legal norms.
13. That the Respondent has always complied with all applicable environmental norms and in view of these facts, the allegations made by the Applicant are entirely baseless, unfounded, and lack merit. It is therefore respectfully submitted that the Original Application is liable to be dismissed in its entirety.

Rakesh Kumar

It is therefore, submitted that the present Original Application may kindly be dismissed for the reason stated above and pass such further orders as this Hon'ble Tribunal deems fit in the interest of justice and equity.

Rakesh kumar
DEPONENT

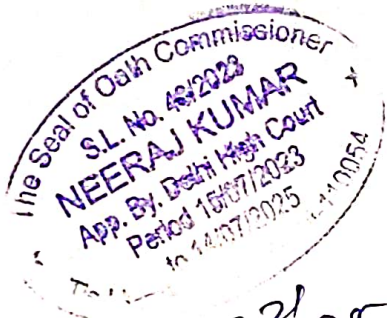
22 JAN 2025

VERIFICATION

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 06 in daily course of its business, no part of it is false and nothing material has been concealed there from.

Verified at _____ on this _____ day of January, 2025

Rakesh kumar
DEPONENT



32/25

1. I, the DEPONENT
2. Name... Rakesh kumar
3. W/o, D/o... Sunita kumar
4. Identified by Shri/Smt... Sunny kumar
5. This solemnly affirmed before me at Delhi
6. On 22 JAN 2025 at Sr. No.
7. I have read the contents of the affidavit which
8. has been read over & explained to him/her
9. and he/she has declared the contents to be true & correct to his/her knowledge

[Signature]

Item No. 16

Court No. 1

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Date of hearing: 30.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Vikas Mishra & Ms. Aditi Sharma, Advs. for Applicant

Respondents: Mr. Narender Pal Singh & Mr. Deepak Kumar Prasad, Advs. for R - 6

Ms. Sakshi Popli, Adv. for MoEF & CC (Through VC)

ORDER

1. Learned Counsel for the Respondents seek four weeks' time to file the reply. It will be open to the Counsel for the applicant to file the rejoinder within two weeks thereafter.

2. List on 24.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 30, 2024
A..