

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

O.A. No.250 of 2022

**IN THE MATTER OF:-**

Abhay Tyagi

.....Applicant

Versus

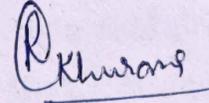
U.P. State Industrial Development  
Authority & Ors.

....Respondents

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FILED BY: -



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Place: New Delhi  
Dated: 12.09.2022

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

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**IN THE MATTER OF:-**

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U.P. State Industrial Development  
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**REPLY ON BEHALF OF RESPONDENT M/s SPAN  
ORGANICS PVT LTD.**

**MOST RESPECTFULLY SHOWETH:-**

**PRELIMINARY SUBMISSIONS AND OBJECTIONS:-**

1. That this Hon'ble Tribunal while taking cognizance of the present Original Application (hereinafter referred to as 'O.A.'), passed order dated 26.4.2022. Vide said order, this Hon'ble Tribunal observed that Municipal Corporation, Ghaziabad and the allottees of the land in question are necessary parties. The Applicant sought time and was accordingly allowed to take requisite steps for impleading them as Respondents.
2. That each and every averment, made in the original application are denied except those which are specifically admitted in this reply. The allegations made in the application are denied in toto and same may not

be treated as admitted mere reason of non-traverse thereof.

3. That at the outset it is humbly submitted that the answering respondent is bonafide allottee/ purchaser of the industrial plot in question since 2006, after meeting all norms as prescribed for auction, bidding and allotment etc. by the Competent Authority i.e. Uttar Pradesh State Industrial Development Authority (hereinafter referred to as 'UPSIDA').
4. That it is humbly submitted that the present application is not bonafide, rather same is being filed with ill-motive to achieve vested interest by disturbing the lawful process of, auction, successful bidding and consequent allotment of industrial plot in question from erstwhile Common Facility Centre (hereinafter referred to as 'CFC') done in 2006. It will not be out of place to mention here that letter dated 9.3.2022 issued by the Regional Officer, UPSIDA to the Incharge of Industrial Area, UPSIDA, Lakhanpur, Kanpur annexed with the O.A. at Page No.34 to 36 clearly states at Sr. No.1 that as per Layout Plan, there are two number of Park/open space, in which one open space is vacant but there are encroachment in the other Park. Despite such mention of encroachment against designated admitted Park, the applicant has not sought restoration of the same but the

applicant is after the cancellation of allotted industrial plot in 2006.

5. That as per letter dated 9.3.2012 annexed with the present OA at page No.19, the applicant was well aware with the conversion of CFC into the industrial plot allotted to answering Respondent. However, the applicant challenged the said process after lawful auction, bidding and consequent allotment in favour answering Respondent after due process of law stands completed. Thus, it is clear that present application is not only malafide but hopelessly barred by limitation and is liable to be dismissed with exemplary costs.
  
6. That it is humbly submitted that factual position is very much clear from the letter dated 9.3.2022 annexed with the O.A. that the CFC was not developed at the site. The original use of erstwhile CFC has been allotted as "Industrial". In intermediate period later, the Managing Director approved the revision in layout plan, naming the plot in question as CF-1. It is noteworthy that area of erstwhile CFC in layout plan is almost same as of the area of plot allotted to answering Respondent. Thus, it was made clear to the applicant herein by the concerned authorities that no park land has been converted as alleged by the applicant herein.

7. That the applicant has the audacity to mislead this Hon'ble Tribunal distorting the fact that land under the Park has been mis-utilized/ diverted.
8. That no substantial question of environment is involved in the present application as per mandate of the Section 14 of the National Green Tribunal Act, 2010. Hence, the application is liable to be dismissed. The present OA is devoid of any merit. Hence, present OA is liable to be dismissed.

**REPLY ON MERITS:-**

1. That the contents of Para 1 of the OA are wrong and denied. The applicant be put to strict proof of the same.
2. That contents of para No.2 of the OA are wrong and denied. The applicant be put to strict proof of the same.
3. That contents of para No.3 of the O.A. are wrong, incorrect and hence denied. It is specifically denied that land use of any Park land has been changed. The allegations of the applicant are unfounded, false, frivolous and liable to be rejected. it is humbly submitted that factual position is very much clear from the letter dated 9.5.2012 and 9.3.2022 annexed with the O.A. that area of CFC plot in layout plan was 0.30 hectare i.e. approx.3000 sq. meter. The CFC was not developed at the site. The original use allotted of said CFC plot is "Industrial". In intermediate period later, the

Managing Director approved the revision in layout plan, naming the plot in question as CF-1. It is noteworthy that area of plot allotted to answering Respondent is also almost same as was in Layout Plan for erstwhile CFC. Thus, it was made clear to the applicant herein by the concerned authorities that no park land has been converted as alleged by the applicant herein.

4. That contents of para No.4 of the O.A. are wrong and denied except those are matter of record. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

5. That contents of para No.5 of the O.A. are wrong and denied except those are matter of record. It is noteworthy that reply of department is very clear to the fact that the area of public utility land is  $2.35 + 0.30 = 2.65$  hectare. Out of which, 0.30 hectare land is area of CFC in question. The 0.30 hectare is same area as of industrial plot in question. Therefore, it is abundantly clear that no Park land has been diverted into any other land use as wrongly stated by the applicant. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

6. That contents of para No.6 of the O.A. are wrong and denied. The order dated 19.1.2021 referred by the applicant has no application to the present case as no Park land has been diverted /converted to any other land use. It is humbly submitted that no violation of any environmental law has been caused. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

7. That contents of para No.7 of the O.A. are wrong, incorrect and hence denied except those are matter of record. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

8. That contents of para No.8 of the O.A. are wrong, incorrect and hence denied for want of knowledge. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

9. That contents of para No.9 of the O.A. are wrong, incorrect and hence denied for want of knowledge. The contents of preceding para No.8 are being reiterated.

10. That contents of para No.10 of the O.A. are wrong, incorrect and denied except those are matter of record. It is submitted that vide letter dated 18.2.2022, the concerned department made the applicant very clear that conversion took place only of CFC and not of the Park. Despite such clarity to applicant, he has mislead this Hon'ble Tribunal by distorting the correct facts. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

11. That contents of para No.11 of the O.A. are wrong, incorrect and hence denied except those are matter of record. it is humbly submitted that factual position is very much clear from the letter dated 9.3.2022 annexed with the O.A. The CFC was not developed at the site. The original use allotted of said CFC plot is "Industrial". In intermediate period later, the Managing Director approved the revision in layout plan, naming the plot in question as CF-1. It is noteworthy that area of plot allotted to answering Respondent is almost equal to area of erstwhile CFC shown in original Layout plan. Thus, it was made clear to the applicant herein by the concerned authorities that no park land has been converted as alleged by the applicant herein. Despite being aware with correct factual position, the applicant had atrocity to mislead this Hon'ble Tribunal by filing the present O.A. hiding the truth.

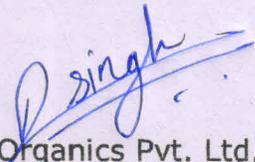
12. That in reply to contents of para No.12 of the O.A., the contents of preliminary submissions and objections are being reiterated.

**REPLY TO GROUNDS**

It is humbly submitted that no ground is made out to file the present Original Application. The grounds raised by the applicant are misconceived, frivolous, ill-founded, untenable and thus liable to be rejected. The contents of preliminary submissions and objections may kindly be treated as part and parcel of the para under reply as the same are not being reiterated herein for the sake of brevity.

**REPLY TO PRAYER CLAUSE**

In view of the submissions made hereinabove, the Original Application is not only barred by limitation but devoid of any merit. The applicant is not entitled to any relief as claimed by him. It is therefore, humbly prayed to dismissed the present Original Application.

  
M/s Span Organics Pvt. Ltd.  
Through its Director

Place: Sikandra Rao (Hathras)  
Dated: 12.09.2022



BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI. O.A. No.250 of 2022

**IN THE MATTER OF:-**

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**AFFIDAVIT**

I, Rajat Singh, S/o Sh. Jaswant Singh director of M/s Span Organics Pvt. Ltd. having its office at N-100/B, Munshi Lal Building, Connaught Circus, New Delhi -110001, presently at Hathras aged about 20 years, do hereby solemnly affirm and declare as under:

1. That I am authorised Representative of M/s Span Organics Pvt. Ltd. in the present matter. I have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit.

2. That the accompanying reply has been drafted by my Counsel under my instructions. I have read the contents thereof, the same are true and correct to the best of my knowledge and may kindly be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.

*R Singh*  
DEPONENT



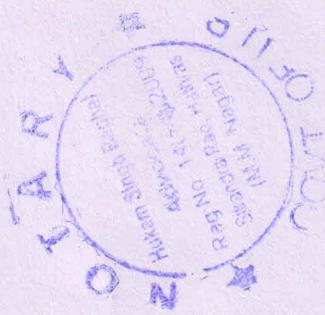
Solemnly Affirmed before me on 12/9/22  
by MRS. Dr. Shri/Smt./Km. Rajat Singh  
as deponent who is identified by Self  
I have satisfied myself the examining the deponent  
that he/she understand the contents of this affidavit  
and have been read over and explained to him/her to be true

*Shriyad*  
Rajkam Singh Baghel, Advocate.  
NOTARY (Court of U.P.)  
12/9/22

**VERIFICATION:**

Verified at Sikandra Rao (Hathras) on this 12<sup>th</sup> day of September, 2022 that the contents of above affidavit are true and correct to the best of my knowledge and information derived from official record. No part of it is incorrect and nothing material has been concealed therefrom.

*[Signature]*  
DEPONENT



I solemnly Affirm before the Officer  
At *[Signature]* Hrs. by Shri/Smt./Km.  
As deponent who is identified by Shri. *Rajat Singh*  
I have satisfied myself the examining the deponent  
that he/she understand the contents of this affidavit  
which have been read over and explained to him/her to be true.

*[Signature]*  
Hukam Singh Baghel, Advocate  
NOTARY (Govt of U.P.)  
Sikandra Rao, Hathras (M.M. No. *141/2020*)

# VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI.

OA NO. 250 /2022

## IN THE MATTER OF:-

Abhay Taygi .....Applicant

Versus

Uttar Pradesh State IDA & Anr. ....Respondents

KNOW ALL to whom these present shall come that I, Rajesh Singh, Director, M/s. Span Organics Pvt. Ltd., the above named Applicant do hereby appoint

**Rahul Khurana, Advocate (Enr No. D/2183/2008)**

**298, LAWYERS CHAMBER BLOCK-II, DELHI HIGH COURT,  
NEW DELHI-110003, E-Mail id: [rkhurana2507@gmail.com](mailto:rkhurana2507@gmail.com), M: 9811894060**

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorised him:-

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 payment of fees separately for each court by me/us.

To sign file verify and present pleadings, appeals cross-objections or petitions for executive on review, revision, withdrawal, compromise or other petitions or affidavits of other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents including original documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct other Legal Practitioner, authorising him to exercise the power of Attorney on our behalf.

me/us hereby agree to ratify and confirm all acts done in the matter as my/our own acts, as if done by

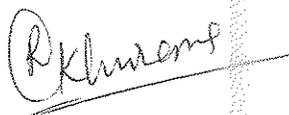
me/us or my/our duly authorised agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

and I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain 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 above Court. I/we hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years, or part thereof.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 1<sup>st</sup> day of July 2022

Accepted subject to the terms of fees.

  
Advocate

M/s Span Organics (P) Ltd.  
  
Director  
Client

