

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No.392 / 2022

In the matter of : -

Prasoon Pant & Others ... Applicants  
Versus  
Union of India and Ors. ... Respondents

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Place: New Delhi  
Date: 15 .01.2024

Drafted & Filed by:  
*Shivam Sakseena*  
(SHIVAM SAKSENA)  
Advocate for Respondent No.8  
210, Lawyers Chamber,  
C.K. Daphtary Block,  
Supreme Court, New Delhi-01  
Ch.: 011 - 23073983  
MOB : 99718 85963

F. No.4368 / GN

BEFORE THE NATIONAL GREEN TRIBUNAL  
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In the matter of : -

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REPLY ON BEHALF OF  
RESPONDENT NO.8,  
GREATER NOIDA INDUSTRIAL  
DEVELOPMENT AUTHORITY.

Most Respectfully Showeth:

1. At the outset, it is submitted that unless expressly admitted each and every averment made or the contention urged in the Original Application is disputed and denied.

PARAWISE REPLY

2. Contents of Para I and II of the Original Application are formal and as such need no reply.

3. In reply to the contents of Para III of the Original Application, it is submitted that filing of the present application and the reliefs claimed thereunder are matters of record. It is, however, submitted that all the allegations made against the answering Respondent are factually incorrect, misconceived and based on a mis-reading or mis-interpretation of the provisions of the statute. It is further submitted that the Applicants, without making proper enquiry, have made baseless allegations, particularly in regard to the duties of the answering Respondent in terms of the statutory provisions or the alleged inaction.

REPLY TO "FACTS IN BRIEF":

4. All the averments made in para 1 of the Original Application as to the identity, residence or credentials of the Applicants are not admitted. It is not admitted that the Applicants are deeply concerned about the threatened ground water resources of the area or being residents of the region, they are at the receiving end. No details regarding the credentials or filing of previous applications by the Applicants are set out in the paragraph under reply.

5. In reply to the contents of para 2 of the Original Application in so far as it pertains to the answering Respondent, it is submitted that the contention of the Applicants is misconceived and factually incorrect. While it is correct that under the U.P. Industrial Area Development Act, 1976, the answering Respondent has been constituted for planned development within its jurisdictional area but the contention that before sanctioning any project, the answering Respondent has to or is responsible for sanctioning water supply, is totally misconceived and incorrect. The answering Respondent has no jurisdiction over extraction of ground water, thus, it has never sanctioned extraction of ground water by any project proponent. On the contrary, while sanctioning the Lay-out plans, which is a pre-requisite for commencement of construction, in the sanction letter itself, it is made clear, inter-alia, that the project proponent is under an obligation to comply with all laws, including obtaining Environmental Clearance (EC) and also taking prior approval for extraction of ground water from the Competent Authority and that contraction of commencement without the said approvals would render the sanction as invalid. a sample sanction letter is annexed hereto and marked as **Annexure R-8/1**.

6. At this stage, it is relevant to mention that earlier also, an Original Application was filed, wherein, this Hon'ble Tribunal was concerned with extraction of ground water in the area by the projects proponent. In that case, a detailed reply was filed by the Authority. The Authority had also placed on record that it has functional STPs from which treated water, meeting the standard fixed by the Ministry of Water Resources, is available to the Builders and has been made available. The STP water is still available at an extremely nominal rate of Rs.7/- per kilo litre but the Builder has to transport the same in tankers to its project site. The availability of STP water in the Greater Noida city from the STP set by the answering Respondent is to the tune of 110-120 MLD. Project proponents have been taking STP water.

7. It is clarified that the answering respondent is under no statutory of contractual obligation to provide water for construction purposes to a builder or water as a raw-material to any factory. Under the provisions of the Act, the answering Respondent has laid down the infrastructure and the amenity and supplies potable water. It is this potable water,

which is referred to in the statute. The Water Treatment Plants are not expected to supply water for construction purposes. This holds true not only for the city of Greater Noida but throughout the country. The answering Respondent does supply potable water to its allottees against payment of certain charges.

8. In reply to the contents of para 3 of the Original Application, it is submitted that under the law, for extraction of ground water, permission is required to be taken from the Central Ground Water Authority (CGWA). While sanctioning the plan, as stated earlier, the project proponent is required to obtain due permission from the CGWA and if it has not obtained such permission, then the project proponent would be guilty of violation of the law, hence liable for action for such violation. Whether the Applicants have written to the State or Central authorities to stop illegal extraction of ground water and the action, if any, taken by them is for those Respondents to place on record.

9. Contents of para 4 of the Original Application, as stated, are not admitted. Under the 1976 Act, the answering Respondent is the statutory Authority constituted for implementing the mandate of the legislature. The acquisition of land, demarcation of land use, allotment

of plots for the use sanctioned by the Master Plan, sanctioning Plans and the applicable Building Regulations with the para-metres fixed thereunder are fixed by the law. The city of Greater Noida is expected to be developed on 22.255 hectares of land. It is incorrect on the part of the Applicants to sub-divide the city in to 2 parts out of which, Greater Noida West comprising of 5,000 hectares, having 300 builders' projects. It is clarified that in what is being referred as Greater Noida West, the area allotted to total of 130 builders is only 767.93 hect. The Master Plan / Sector Green is on 116.52 hect., facilities / amenities over 53.36 hect. and road area of 113.86 hect. The FAR is fixed by the statute and so is the ground coverage. The area of Greater Noida falls within the NCR and all developments in the NCR are carried out in terms of the Master Plan for the NCR prepared by the Ministry of Urban Development, Govt of India, in consultation with the concerned State Governments. The broad urbanisable area is fixed NCR Master Plan while the local land use is prescribed by the Master Plan of the concerned Authority. The answering Respondent is performing the public function of developing residential townships in its area, which falls within the NCR. In fact, the NCR, due to paucity of land, has been suggesting achievement of higher population density, which is

calculated at the city level. Thus, the growth has to be vertical. It is incorrect on the part of the Applicants to contend that before sanctioning the housing project, the answering Respondent has to make provisions for water supply for construction purpose. The responsibility is to provide drinking water only, which the answering Respondent does provide. It is false to contend that the answering Respondent has failed in its duty to supply water for construction purposes. Every person, who illegally extracts ground water makes himself liable for action for such violation of law.

10. In reply to the contents of para 5 of the Original Application, it is submitted that the documents filed as Annexure A-1 does not bear the signature of the concerned Department of the Govt. of Uttar Pradesh. In these circumstances, the answering Respondent is unable to comment on the same. The averments made in this paragraph may be replied by the Respondent No.5.

11. In reply to the contents of para 6 of the Original Application, it is submitted that the documents filed as Annexure A-2 does not bear the signature of the concerned Department of the Govt. of Uttar Pradesh. In these circumstances, the answering Respondent is unable to comment on the same. The averments made in this paragraph may be replied by the Respondent No.3.

12. Except for what are matters of record, namely, constitution of the answering Respondent and its jurisdictional area, or the provisions of the statute, the remaining contents / contention raised in para 7 of the Original application are incorrect, wrong and denied. The expression "water supply" used in the 1976 Act pertains to potable water and not supply of water for construction purposes to a builder or supply of water as a raw-material to a factory. The Applicants are intentionally mis-interpreting and mis-reading the provisions of the 1976 Act. The answering Respondent does supply potable water to its residents for which an application has to be made and the required charges initially and year wise is payable. Potable water cannot be supplied at the stage of construction. potable water is supplied once completion is obtained whereafter the premises can be occupied. It is wrong to contend that any project has been sanctioned by the answering Respondent in violation of any provisions of the 1976 Act. The allegation of extraction of ground water by the Builders in connivance with the Authority is not only false but mischievous. This allegation is bereft of any foundational fact. While Applicant No.1 is not a resident of Distt. Gautam Budh Nagar, the Applicant No.2, from the particulars set out in the cause title, is also not a recipient of any allotment made by the

answering Respondent. It appears that none of the Applicants have any knowledge about the functioning of the answering Respondent.

13. Contents of para 8 of the Original Application are vague, factually incorrect, wrong and denied. The city of Greater Noida is one of the most well planned city of the country. It appears that the Applicants have some hidden agenda as they are trying to carve out bifurcation of the integrated city of Greater Noida into the old and new township, whereas, no such distinction exists and development is carried out by the answering respondent in accordance with the Master Plan. It is further submitted that land use fixed by the Master Plan is incapable of being challenged before this Hon'ble Tribunal. The Master plan is prepared under statutory empowerment. The applicants have not invoked the writ jurisdiction of the High Court under Article 226 of the Constitution. So far as the allegation of illegal extraction of ground water is concerned, if the Builders have acted in defiance of law, then they have rendered themselves liable for action accordingly.

14. Contents of para 9 of the Original Application are vague and bereft of any data. Every allotment and sanction of project, including that for residential, commercial or industrial purposes is in accordance

with the land use prescribed by the Master Plan of the area. The same cannot be questioned by the Applicants. There is no empirical data to prove that the water table has fallen due to habitation in the area. The applicants are mindless of the requirement of housing and employment for the ever increasing population in the area in particular and the country is general .

15. In reply to the contents of para 10 of the Original Application, it is submitted that the Applicants, especially Applicant No.1, who stays in District Ghaziabad, never questioned the development project in Distt. Ghaziabad, such as Crossing Republik, Indirapuram, Vadundhara and Vaishali but appears to have some grudge against development being carried out in the Greater Noida city, on the pretext that this development in Greater Noida City would adversely affect the residents of Ghaziabad.

16. Contents of para 11 of the Original Application are disputed, wrong and denied. To the knowledge of the answering Respondent, there is no scientifically established proposition that extraction of ground water is directly proportional to or have a co-relation with earthquake.

17. The allegation made in para 12 of the Original Application also is wrong and denied. Fixation of land use and allotments, including the allotments to Builders and the price for allotments, are in furtherance of statutory provisions, which are not questionable before this Tribunal. The contention of the applicants that the answering Respondent is to supply water for construction purpose is repetitive, wrong and denied.

18. In reply to the contents of para 13 of the Original Application, it is submitted that none can extract ground water without the permission from the CGWA or any other competent authority and any person, violating the same, must be held liable for the consequences. There is no established co-relation between extraction of ground water and the earthquake.

19. In reply to the contents of para 14 of the Original Application, it is submitted that the Report of Niti Aayog is also being mis-interpreted by the Applicants. The Report itself records that there is lack of Data. The Niti Aayog has observed in the document annexed to the O.A. that the available Data is unreliable, e.g. it is recorded that estimates of

ground water are based on observation data from 55,000 Wells while there are 12 Million Wells in the country. There is no basis to allege depletion of water in the area of Greater Noida (West), which is more than what it appears. Of course, the competent Govt. Department can always look into it and make recommendations, which would be followed by all, including the answering Respondent.

20. Contents of paragraph nos.15, 16 and 17 relate to the CGWA or the U.P. Ground Water Department who have been arrayed as Respondents in the present Original Application. Therefore, it is for those respondent to reply to the averments made against them.

21. Contents of para 18 of the Original Application, particularly the extracts of certain paragraphs from the Judgment passed by this Hon'ble Tribunal on 25.2.2022, are matters of record, which call for no comments from the answering Respondent. It is for the CGWA or U.P. Ground Water Department to respond.

22. In reply to the contents of para 19 of the Original Application, it is clarified that the answering Respondent grants no permission to extract ground water as it has no jurisdiction over the issue. On the

contrary, while sanctioning the plan, the answering Respondent makes it clear that ground water cannot be extracted unless permission to do so has been obtained from the CGWA and now the U.P. Ground Water Department. If the Builders has violated the law then the aforesaid Authority / Department is competent to take action for such violation of law.

23. In response to para 20 of the Original Application, it may be noticed that the documents filed as Annexure A-4 at pages 43 and 44 nowhere mentions the date for which the alleged Data is submitted. The answering Respondent reserves its right to file further reply on supply of better particulars.

24. In reply to the contents of para 21 of the Original Application, it is submitted that the complaint sent by e-mail to several authorities of the Central and State Governments and lastly to the answering Respondent is completely vague and does not identify a single person, who is illegally extracting ground water. It appears that the Applicants are making fishing and roving enquiry, alleging illegal extraction of ground water, when they themselves admit that they have not named any particular project. The Applicants cannot challenge the legality of

statutory provisions before this Hon'ble Tribunal, particularly the provisions of the 1976 Act. It is reiterated that it is misconceived on the part of the Applicants to allege that water for construction purposes is to be made available by the answering Respondent to the Builders. The answering Respondent supplies potable water and there is no allegation that potable water has not been supplied upon submission of an application for supply of potable water. Every Applicant has to make an application for supply of potable water for which charges are payable on yearly basis. This is the position throughout the country and nowhere potable water is provided for construction of the Builders. As and when the documents, namely the Judgments of the NGT or the Report of the Niti Aayog are produced on record, the answering Respondent reserves it right to file further reply or make submissions to this Hon'ble Tribunal.

25. All the grounds raised in para 22 to Para 32 are a mere repetition of the earlier paragraphs of the Original Application, which stand fully replied. It is further submitted that all the grounds raised in the Original Application are misconceived and untenable.

26. The contention of the Applicants that the application is filed within the limitation is not admitted. The Applicants are put to strict proof of the averments contained in the said paragraph of the Original Application.

27. It is not only incorrect but also mischievous on the part of the Applicants to contend that the answering Respondent should be held responsible for damage to environment along with private Developers. Similarly, no case whatsoever is made out to seek a direction that the answering Respondent shall not sanction any new project without supply of water. It is reiterated that the answering Respondent is under no obligation whatsoever, either under any statute or under any other contractual obligations to supply potable water for construction purpose. As stated earlier, the answering Respondent has large quantities of treated water available at the STP conforming to the standards prescribed by the Ministry of Water Resources, which can be used for construction purpose by the Builders or anyone else. The answering Respondent itself uses such treated water for Horticulture and construction purposes. Potable water is provided through pipeline to the allottees. Water for construction purpose to Builders or water as

a raw-material to Industrial Units cannot be supplied. It is for the project proponent to obtain permission to extract ground water for construction purpose and if the Competent Authority / Department is satisfied, it may grant such permission with such conditions as it may deem fit. Since jurisdiction to permit extraction of ground water lies with the CGWA or U.P. Ground Water Department, it is reiterated and clarified that while sanctioning any plan for construction, the answering Respondent makes it clear that the project proponent has to comply with every law and before commencement of construction, obtain necessary permissions, like Environmental Clearance or permission to extract ground water etc.,

28. In the premises, it is most respectfully submitted that the Applicants are made no case for grant of any relief qua the answering Respondent against whom the Original Application is liable to be dismissed with cost. The answering Respondent prays accordingly.

Respondent No. 8

VERIFICATION:

Verified at New Delhi on            day of January, 2024 that the factual contents of this reply are true and correct to my knowledge as derived from the records of the case and nothing stated therein is false and nothing material has been concealed there from. The last para is prayer to this Hon'ble Court.



Respondent No. 8

through

*Shivam Sakseena*  
SHIVAM SAKSENA  
(Advocate for Resp. No. 8)

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No.392 / 2022

In the matter of : -

Prasoon Pant & Others ... Applicants

Versus

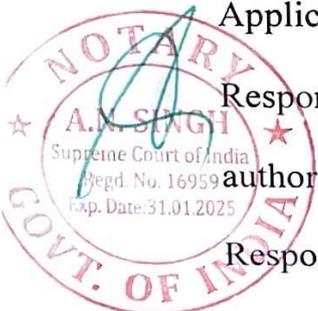
Union of India and Ors. ... Respondents

AFFIDAVIT

Most Respectfully Showeth:

I, Ajai Prakash Verma, S/o late Sh.Kripa Shanker Verma, aged about 58 years resident of B-90, Sector 52, Noida, presently at New Delhi, do hereby solemnly affirm and state as under :

1. That the Deponent is presently posted as Sr. Manager (Jal) with the Respondent Authority No.8. I have read a copy of the Original Application paper book as received in the Office of the said answering Respondent and understood the contents thereof. I am competent and authorized to affirm this affidavit on behalf of the answering Respondent.



2. I state that the accompanying reply has been drafted under my instructions. I have read the same and state that the contents thereof are true and correct to my knowledge as derived from the records of the Respondent no. 8, Authority.

  
DEPONENT

VERIFICATION:

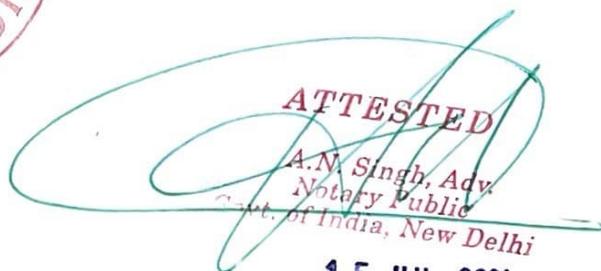
15 JUL 2024

Verified at New Delhi on \_\_\_\_\_ day of January, 2024 that the factual contents of this Affidavit are true and correct to my knowledge as derived from the records of the case and nothing stated therein is false and nothing material has been concealed there from. The last para is prayer to this Hon'ble Court.

  
DEPONENT



I Identify the deponent who has  
Signed/Put T.I. in my presence

  
**ATTESTED**  
A.N. Singh, Adv.  
Notary Public  
Govt. of India, New Delhi  
15 JUL 2024



**GREATER NOIDA INDUSTRIAL DEVELOPMENT AUTHORITY**  
 PLOT NO1, SECTOR-KNOWLEDGE PARK-IV, GREATER NOIDA CITY,  
 GREATER NOIDA, DISTRICT GAUTAM BUDH NAGAR , (U.P.)  
 Website: www.greaternoidaauthority.in e-Mail: authority@gnida.in

File No : CC-6090

Date 10/11/2023 05:45 PM

To,

GULSHAN HOMZ PRIVATE LIMITED

121, HARGOVID ENCLAVE, DELHI-110092

**Sir / Madam**

With reference to your application no. **CC-6090** dated **10-Nov-2023** for grant of Occupancy Certificate for erection/re erection/alteration/demolition of building on Plot No **GH02A Block - 5/13** in **Sector in 16** completed under the supervision of Technical Person or Name **Mr. DEEPAK MEHTA Architect ID:GN00393** and **COA no -COA/87/10840** and building has been inspected by the Assistant Manager of the Planning Department and found that the building conform in all respects to the requirements of the regulations in respect of occupancy certificate . Structural safety based upon the structural stability certificate and the completion certificate submitted by the concerned Technical Personnel. Hence,I have to inform you that Occupancy Certificate is being granted by the Authority with the following conditions:-

1. Before making any changes in the existing building prior permission from the Authority is required.
2. If demanded by the Authority you will be liable to pay charges for the provision of any further facilities/development/improvement.
3. A copy of the drawings shall always be kept at site and shall be made available to any officer of the Authority on demand.
4. You are required to follow the terms and conditions as indicated in lease deed and various NOC issued by different organisations.
5. Gate/s shall open on to the service road only, direct access to main carriage-way shall not be provided.
6. No parking will be done on road and parking shall be used only for purpose of users as designated in the plan.
7. You are required to maintain green outside the plot.
8. The promoter/applicant shall keep the fire net at site as per fire norms.
9. The promoter/ applicant shall keep the provision of solid waste management at site as per norms.

**Yours faithfully,**  
**LEENU**  
**SAHGAL**  
**GM(Planning)**

**Encl :-** Copy of one Set drawings( 01)

**Copy to :-** Admin. (Project) for information and N.A.

**Greater Noida Industrial Development Authority**  
169, Chitvan Estate Sector-Gamma, Greater Noida, Gautam Budh Nagar, 201306

PL/ (BP). 3P. 3402/GH/ FTS / 976

Dated... 27/11/15

To,

M/S Gulshan Homz (P)Ltd.  
4, Dayanand Vihar,  
Delhi-92

**CONDITIONAL** with respect point no 17 vis-à-vis notification 60(A) dated 27-1-1994 and its amendment from time to time and notification dated 14-09.2006 issued by Ministry of Environment & Forest and point no. 18 vis-à-vis guidelines dt.15.11.2012 of C.G.W.A.

Sir,

With reference to your application no-17440, dated-26.03.2015 for grant of **Sanction** of on **Plot no-GH-02A, sector-16**, I have to inform you that the sanction is being granted by the Authority with the following conditions:

1. This sanction is being granted under the provision of 'The Greater Noida Industrial Development Area Building Regulation 2010.
2. The validity of this sanction is **up to-5 Years**
3. In case allotment is cancelled/lease in determine for whatsoever reason by functional department, aforesaid sanction shall automatically be deemed to have been withdrawn.
4. During this period, after the completion of construction it is necessary to apply for occupancy certificate. **Time extension charge shall be payable as applicable.**
5. If demanded by the Authority. You shall be liable to pay charges for the provision of any further facilities/development/improvement.
6. A copy of the sanction drawing shall always be kept at site and shall be made available to any officer of the Authority on demand.
7. No addition/alteration is permitted in the sanctioned drawings. For any changes prior permission form the Authority required.
8. You shall be responsible for carrying out the work in accordance with the requirements of Greater Noida Industrial Development Building Regulation 2010. And directions made form time to time.
9. Prior permission is required before digging an under ground bore well.
10. No activity other than as specified in lease deed shall be permitted in the premises
11. Prior permission is permission from the Authority is required for temporary structure also like labour huts & site office
12. Gate shall open on to the service road only. Direct access to the main carriageway shall not be provided.
13. Services, rain water harvesting shall be laid as per approval of Authority.
14. No parking of any kind shall be permitted on r/w of road.
15. Pejometer shall have to be installed as per direction issued by Authority.
16. Complying with all the requirement for obtaining NOC from various departments prior to submission of application for occupancy shall be the responsibility of allottee irrespective of the proposal sanctioned by GNIDA.
17. **Before starting construction, the NOC is required from Ministry of Environment & Forest under notification no-60(A) dated 27-1-1994 and its amendment from time to time or under notification dated 14-09-2006 which ever is applicable. The copy of shall be submitted to the Authority. If construction is started before obtaining the NOC, the sanction shall be treated as cancelled.**
18. **Before starting construction, the NOC is required from Central Ground Water Authority under notification dated 15.11.2012. The copy of N.O.C. from C.G.W.A. shall be submitted to the Authority. If construction is started before obtaining the NOC, the sanction shall be treated as cancelled.**
19. **Mechanical ventilation to be provided in the Basement as per I.S. Code**
20. **The Promoter shall follow the Apartment Act-2010 and its applicability to the project as per defined rules and amendments made in future. As per the Provision of U.P. Apartment Rules 2011.**

Leenu  
27/11/15  
**LEENU SAHGAL**  
GM (Plng. & Arch)

Encl: Copy of sanctioned drawings ( )

- Copy to: 1. G.M. (Engg.) for information and n.a.  
2. Mgr. Builder for information and n.a.

d/e  
27/11/15  
not on.



उत्तर प्रदेश UTTAR PRADESH

08AE 373865

AFFIDAVIT  
(STP Water)

I, **Gyan Singh** son of **Sh. Veer Singh** age 32 years authorised signatory of M/s Gulshan Homz Pvt. Ltd. at Plot No. GH-02A, Sector-16, Greater Noida do hereby solemnly affirm and declare as under:

1. That I have applied for part completion of the above mentioned project.
2. That I have applied for the Part completion of Building Plan on Residential Plot No. GH-02A, Sector-16, Greater Noida, Measuring 28374.22 Sq. Mtrs.
3. That I shall not be using underground water for construction of remaining part and shall be using S.T.P. water for construction.

Place:

Dated:

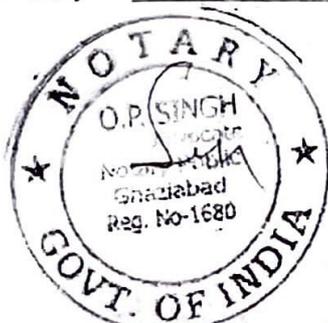
*[Signature]*  
DEPONENT

VERIFICATION

I, the above named Deponent, declare and verify that the contents of above Affidavit are true to the best of my knowledge and belief and nothing has been concealed therein.

Verified today on 24 AUG 2020 at \_\_\_\_\_

*[Signature]*  
DEPONENT

**ATTESTED**

*[Signature]*  
**OM PRANAV SINGH**  
Notary Meerut