

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI**  
(Filed under Section 15 of the National Green Tribunal Act, 2010)

Original Application No. 620 of 2024

**IN THE MATTER OF:**

**Bashir Ahmed Bhat &Ors.**

**...Petitioners**

**VERSUS**

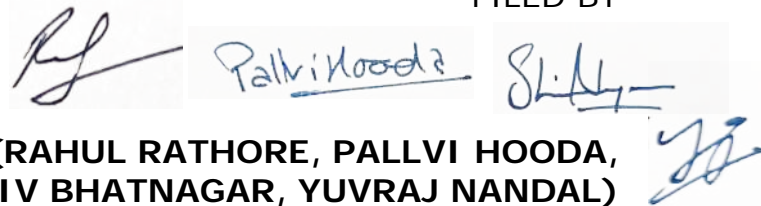
**National Highway Authority of India  
(NHAI) &Ors.**

**...Respondents**

**INDEX**

<b>SL. NO.</b>	<b>PARTICULARS</b>	<b>PAGES</b>
1.	Reply on behalf of Respondent No.2/NKC Projects Pvt. Ltd. to the Additional Affidavit of Mr. Bashir Ahmed Bhat dated 30.07.2024	1 - 4
2.	ANNEXURE R2/6 True copy of the photographs of the structures raised to ensure free flow of water in Doodh Ganga, Shali Ganga, Atta Kul, Ashai Bagh Kul, and Majid	5 - 14

FILED BY



**(RAHUL RATHORE, PALLVI HOODA,  
SHIV BHATNAGAR, YUVRAJ NANDAL)**  
**[P/836/1991, D/2759/2020,  
D/14855/2023, D/3096/2024]**  
**ADVOCATES FOR THE PETITIONERS**  
**10A, SAGAR APARTMENT, 10<sup>TH</sup> FLOOR,**  
**6 TILAK MARG, NEW DELHI 110001**  
**MOBILE NO. 9810188819**  
**E-mail: vijay3312@gmail.com**

Date: 27.09.2024  
Place: New Delhi

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

(Filed under Section 15 of the National Green Tribunal Act, 2010)

Original Application No. 620 of 2024

**IN THE MATTER OF:**

**Bashir Ahmed Bhat &Ors.**

**...Petitioners**

**VERSUS**

**National Highway Authority of India  
(NHAI) &Ors.**

**...Respondents**

**REPLY ON BEHALF OF RESPONDENT NO.2/NKC PROJECTS  
PVT. LTD. TO THE ADDITIONAL AFFIDVIT FILED BY THE  
APPLICANT NO.1 – BASHIR AHMED BHAT DATED 30.07.2024**

**RESPECTFULLY SHOWETH:**

I, Subhash Chandra Chatterjee, S/o Late S.K. Chatterjee, aged 76 years, R/o M-52, Ground Floor, Chittaranjan Park, New Delhi-110019, do hereby solemnly affirm and state as under:

1. That I am the authorized signatory on behalf of Respondent No.2 Company (hereinafter the "Answering Respondent") in the above captioned matter and as such am well conversant with the facts and circumstances of the case.



2. That the contents of Para No.2 of the Additional Affidavit are wrong and hence denied. In response thereto, the Answering Respondent reiterates the contents of its Reply to the Original Application, which are not being repeated herein for the sake of brevity.
3. That the contents of Para No. 3 & 4 of the Additional Affidavit are wrong and hence denied. The Answering Respondent has constructed multiple structures including Major Bridges, Minor Bridges, Viaduct, Box culverts, Pipe culverts, siphons etc as per the Contract Agreement with the Respondent No.01. to ensure the free flow of water in Doodh Ganga, Shali Ganga, Atta Kul, Ashai Bagh Kul, and Majid Kul. It is submitted that no water flow has been blocked as alleged or at all. Details of the structures raised by the Answering Respondent to ensure the free flow of water are set out below:

S.No.	Structures	Numbers
1.	Major Bridge	3
2.	Viaduct	1
3.	Minor Bridge	24
4.	Culverts	138
5.	Siphon	13
6.	Aqueduct	1
7.	HPC	104

The Answering Respondent is also placing on record some photographs of the structures raised to ensure free flow of water in Doodh Ganga, Shali Ganga, Atta Kul, Ashai Bagh Kul, and Majid Kul, collectively as **ANNEXURE R2/6**.



Further, it is submitted that there was unusually heavy rainfall which caused a transient flooding, as mentioned in the Reply to the Original Application, the contents of which are reiterated. Secondly, the water appeared to have stagnated during this period because the landholders themselves created obstructions to the free flow of water by raising concrete boundaries to carve out plots. Thirdly, wherever the water was observed stagnating along the project, the Answering Respondent employed JCBs to construct temporary nullahs to connect to the nearest structures, to allow the water to flow from one side to other side of the road or drain off the water from one side to the other side of the road. The Answering Respondent has submitted the photographs showing construction of temporary nullahs to the nearest structures to drain off the water from one side to the other side of the Road to this Court in reply to the Original Application. This draining or allowing the free flow was necessary to ensure the safety of the road construction and as to not to disturb the natural flow of water for livelihood of the public. Hence, The Answering Respondent actively worked to allow the natural flow of water or drain the water during the heavy rainfall period to save the construction threatened by the waterlogging caused by the concrete boundaries raised by the landholders themselves. No photograph of any alleged water logging or damage has been placed on record by the Applicants with this Additional Affidavit. The only danger to the plantation/crops comes from the landholders themselves, who have carved out plots, obviously with a view to monetize the huge



4

escalation in market value arising from their adjacency with this National Highway under construction.

4. That the contents of Para no. 5 of the Additional Affidavit do not relate to the Answering Respondent.
5. That the abovementioned Affidavit has been drafted by my counsel on my instructions and the contents of the same are true and correct to my knowledge.



**VERIFICATION:**

I, the above named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, belief. No part of it is false nothing material has been concealed therein.

Verified at Gurugram on this 27<sup>th</sup> day of September 2024.

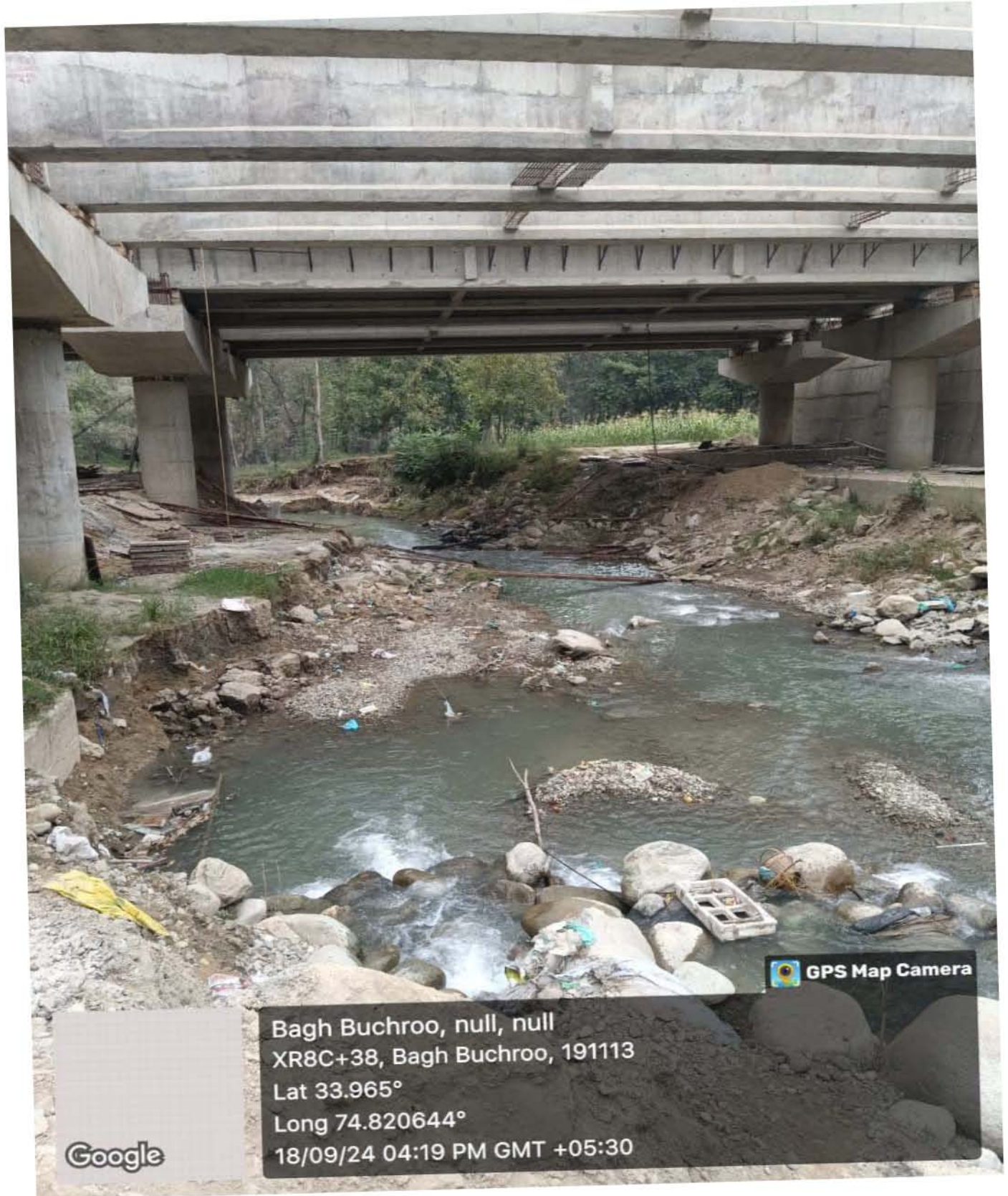


ATTESTED

MAHENDER S. PUNIA  
ADVOCATE & NOTARY  
Distt. Gurugram (Haryana) India

27 SEP 2024

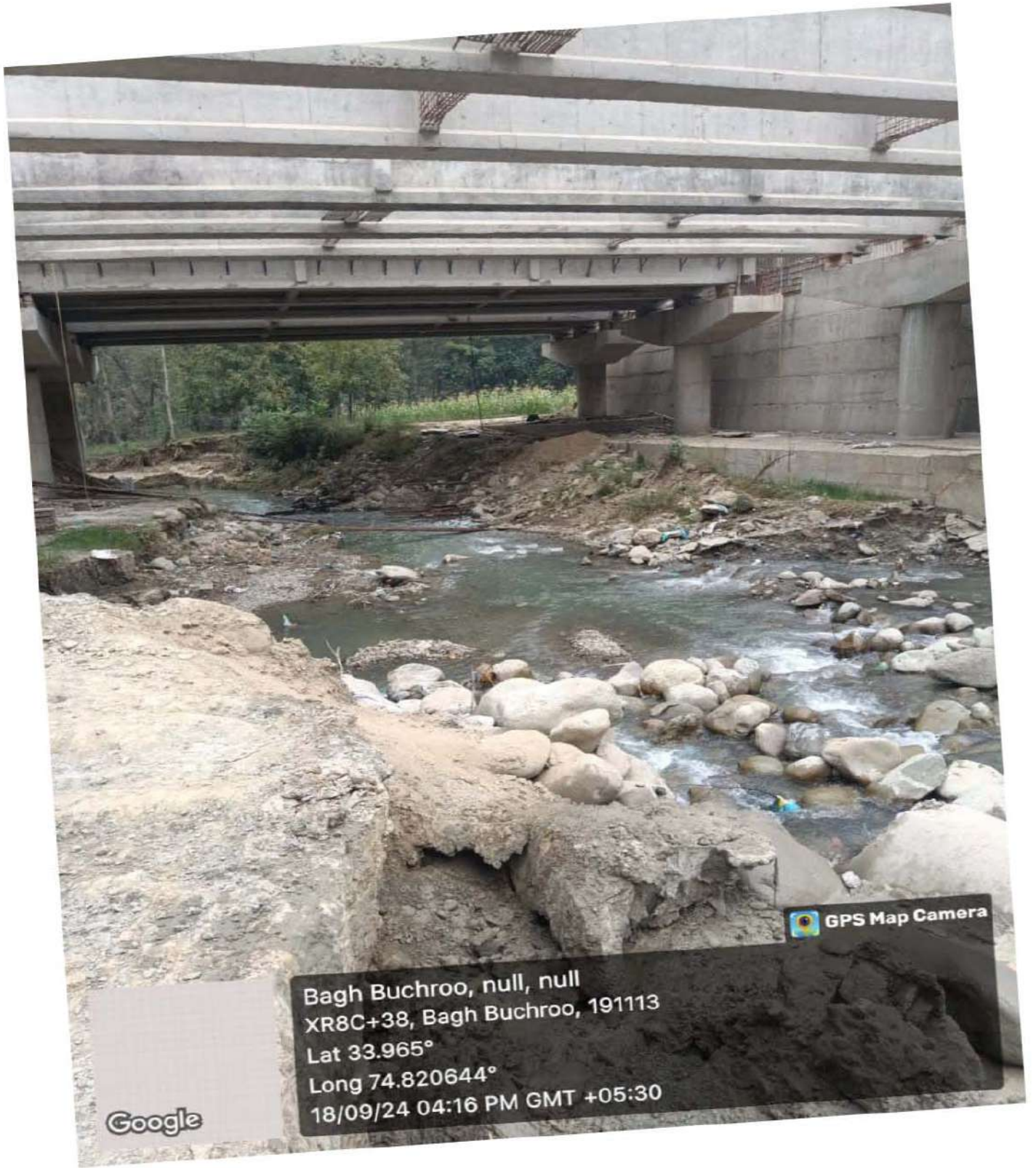
Water Channels Doodh Ganga At Ch-10+685 Village Bhatpora To Wathora Chadoora Budgam



Google

Bagh Buchroo, null, null  
XR8C+38, Bagh Buchroo, 191113  
Lat 33.965°  
Long 74.820644°  
18/09/24 04:19 PM GMT +05:30

GPS Map Camera

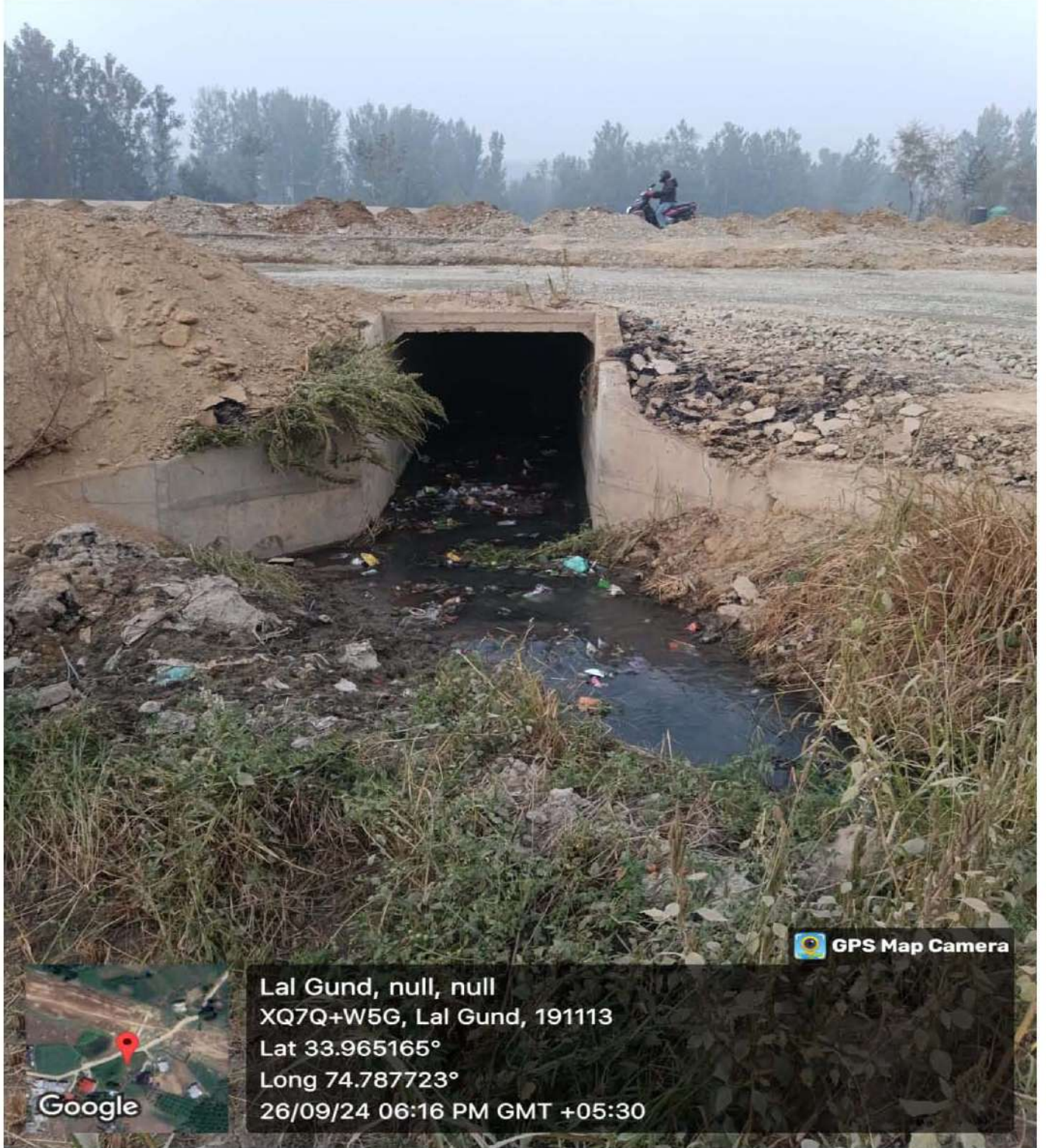


Google

Bagh Buchroo, null, null  
XR8C+38, Bagh Buchroo, 191113  
Lat 33.965°  
Long 74.820644°  
18/09/24 04:16 PM GMT +05:30

GPS Map Camera

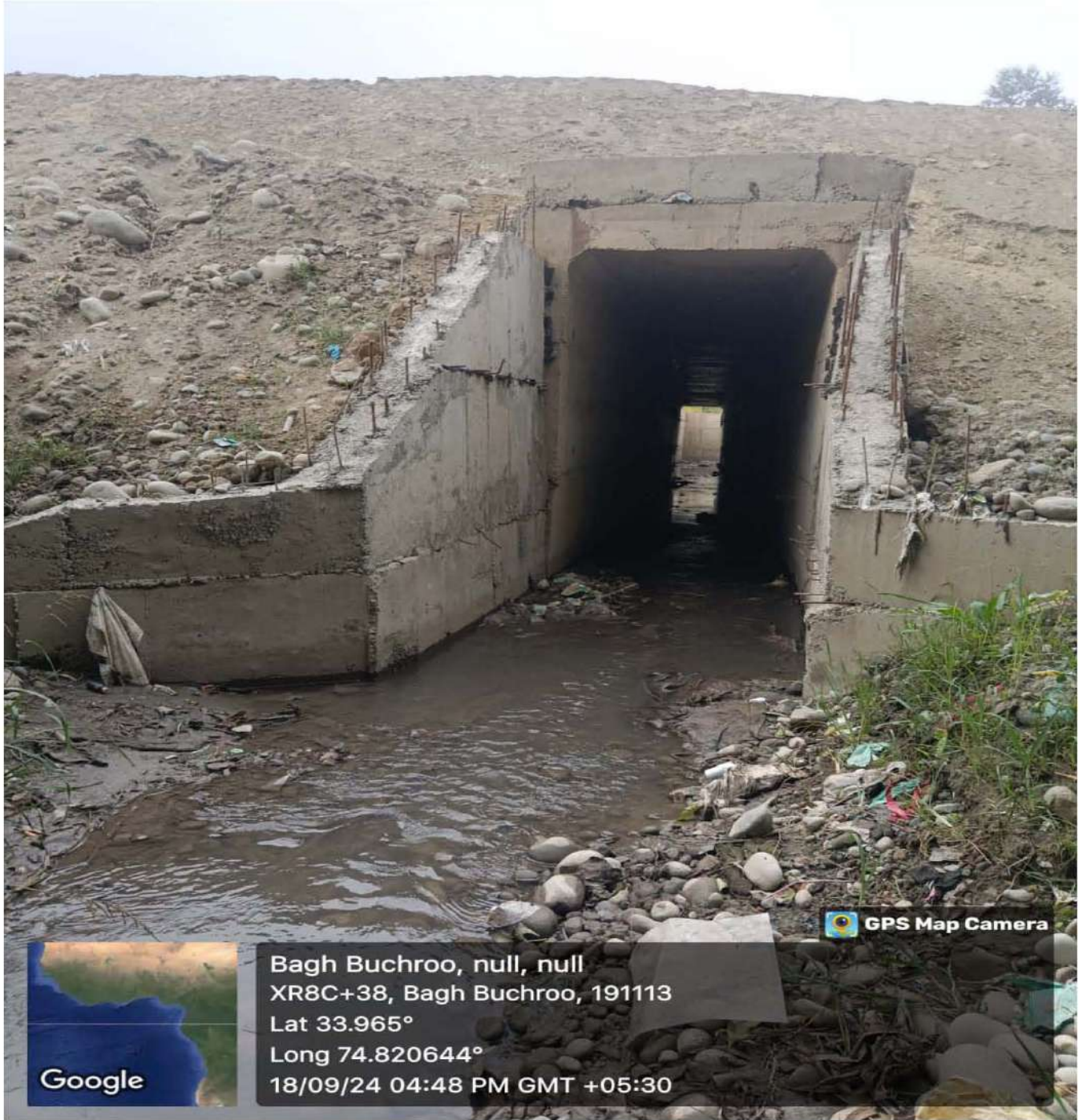
Water Channels Majid Kul at Ch-13+150 Village Ganjibag to Buchroo Budgam Box Culvert LHS To RHS

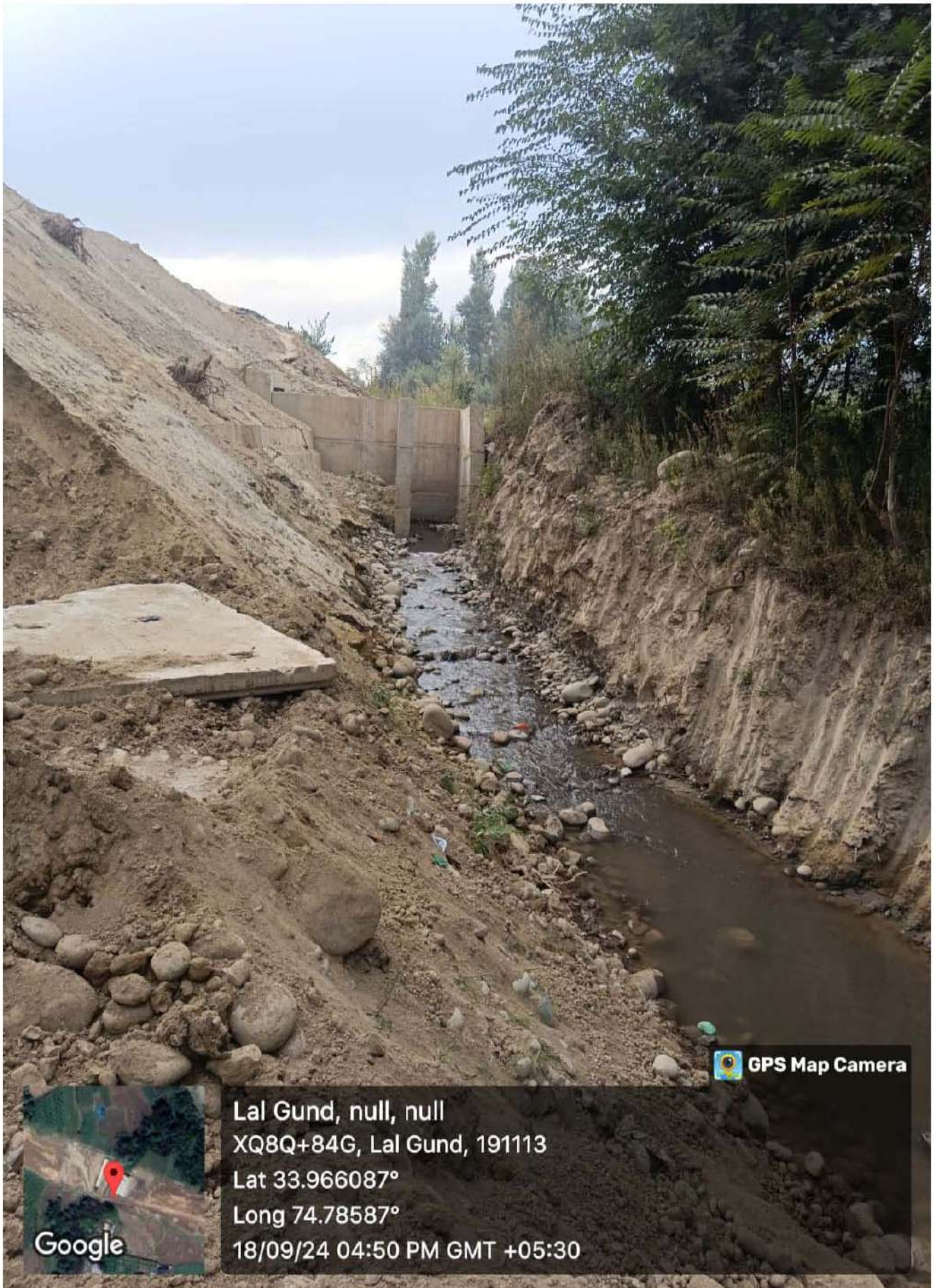




Lal Gund, null, null  
XQ8Q+84G, Lal Gund, 191113  
Lat 33.965692°  
Long 74.78801°  
26/09/24 06:19 PM GMT +05:30

Water Channels Ashak Bagh Kul at Ch-13+300 Village Ganjibag to Buchroo Budgam Box Culvert  
LHS To RHS



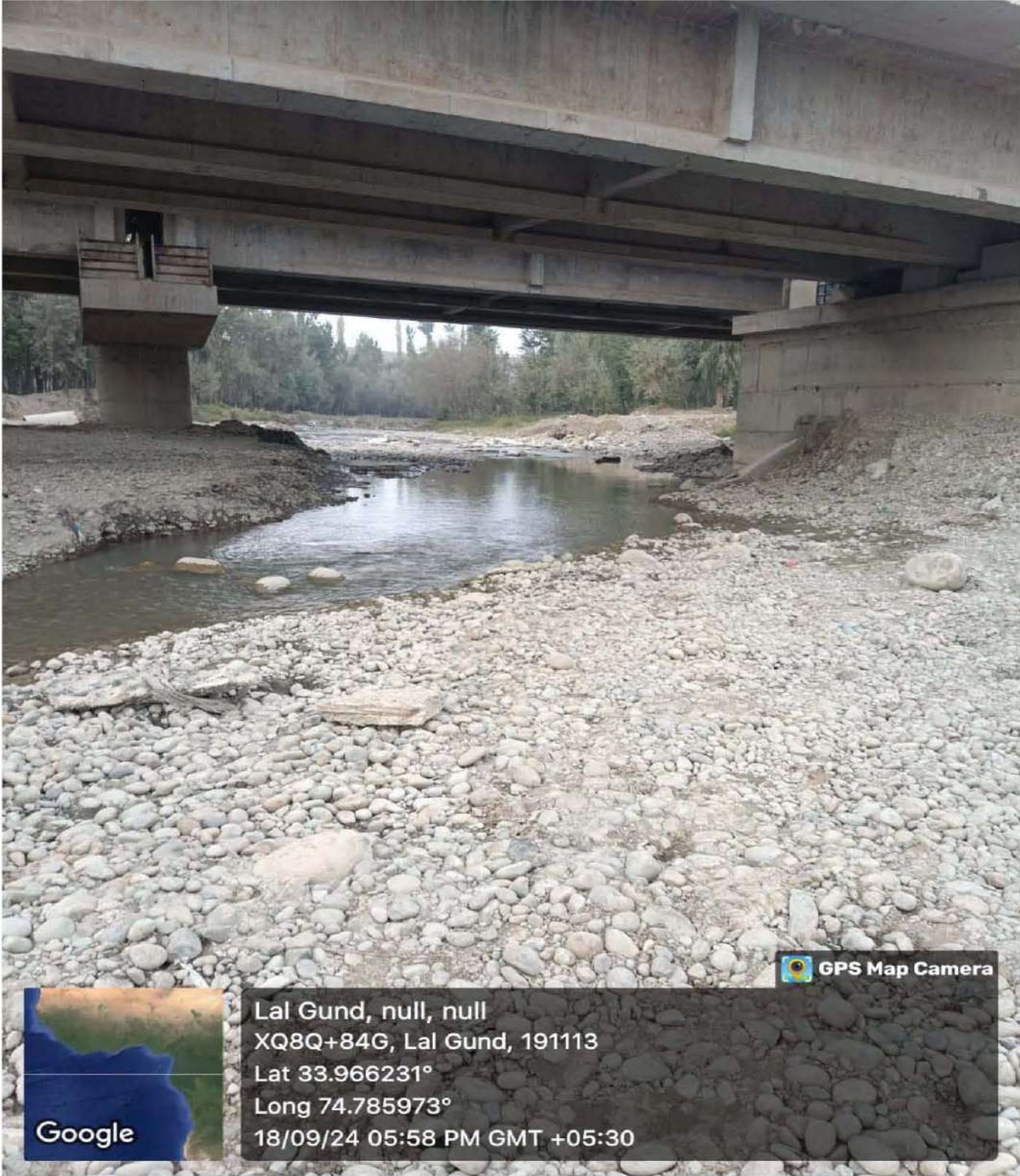


GPS Map Camera



Lal Gund, null, null  
XQ8Q+84G, Lal Gund, 191113  
Lat 33.966087°  
Long 74.78587°  
18/09/24 04:50 PM GMT +05:30

Water Channels Shali Ganga At Village Lalgam Budgam MNB Ch-13+500 water free flow LHS To RHS





GPS Map Camera



Lal Gund, null, null  
XQ8Q+84G, Lal Gund, 191113  
Lat 33.966231°  
Long 74.785973°  
18/09/24 05:58 PM GMT +05:30

Water Channels at Atta Kul At Village Gudsthu Budgam Ch-16+300 Water flow free LHS To RHS by Syphon





 GPS Map Camera



Lal Gund, null, null  
XQ8Q+84G, Lal Gund, 191113  
Lat 33.966231°  
Long 74.785973°  
18/09/24 06:10 PM GMT +05:30

285



Vijay Kumar <vijay3312@gmail.com>

---

**Reply on behalf of Respondent No.2/NKC Projects Pvt. Ltd. to the Additional Affidavit of Mr. Bashir Ahmed Bhat dated 30.07.2024**

1 message

---

**Vijay Kumar** <vijay3312@gmail.com>

Fri, Sep 27, 2024 at 5:18 PM

To: "saurabh.envirolawyer@gmail.com" <saurabh.envirolawyer@gmail.com>, rajesh@singhania.in, membersecy.pcb@jk.gov.in, judicial-ngt@gov.in, filing.bpl-ngt@gov.in

Reply on behalf of Respondent No.2/NKC Projects Pvt. Ltd. to the Additional Affidavit of Mr. Bashir Ahmed Bhat dated 30.07.2024

--

VIJAY KUMAR

P.A. to Mr. Rahul Rathore, Adv.

10A, Sagar Apartment, 6 Tilak Marg,

New Delhi -110001

Mob. 09810188819, 8368447708

Ph. office 011-23070195

 **Print this mail only if absolutely necessary. Save Paper.Save Trees**



**Reply 27.09.2024.pdf**

4156K