

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 168/2026**

IN THE MATTER OF:
RAJENDRA TYAGI

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENT(s)

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2.	A COPY OF THE LETTER DATED 24.06.2026 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-1	
3.	A COPY OF THE LETTER DATED 30.06.2026 IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-2	

THROUGH COUNSEL



BHANWAR PAL SINGH JADON
COUNSEL FOR THE STATE OF U.P.

bhanwaro9jadon@gmail.com | 6375115224

DATE: 01.07.2026

PLACE: NOIDA

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 168/2026**



IN THE MATTER OF:
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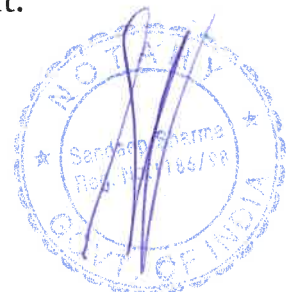
...RESPONDENT(s)

**REPLY BY WAY OF AFFIDAVIT BY RESPONDENT NO. 5,
DISTRICT MAGISTRATE, GHAZIABAD IN COMPLIANCE OF
ORDER DATED 19.03.2026 PASSED BY THE HON'BLE
NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI**

I, Ravindra Kumar Mandar, aged about 36 years, S/o Shri Chandan Lal Meena, posted as District Magistrate, Ghaziabad do hereby solemnly affirm and state as under:

1. I, the Deponent, am fully conversant with the facts of the case and am competent and authorized to swear the present Affidavit.

01 JUL 2026



2. That in the present matter, Applicant has raised issue of solid and liquid waste management in Sai Upwan.
3. That the Hon'ble Tribunal vide order dated 19.03.2026 issued notice and directed the respondent to file their reply. The relevant portion of the aforementioned order is as stated below:

"...4. Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal..."

4. That in compliance of the directions issued by this Hon'ble Tribunal, the Deponent has issued letter dated 24.06.2026 to the Municipal Commissioner, Municipal Corporation, Ghaziabad directing them to take the necessary and appropriate action in compliance of the directions of this Hon'ble Tribunal and the environmental norms. It was further directed that the action taken report of the same may be submitted to the Deponent at the earliest.

01 JUL 2026



A copy of the letter dated 24.06.2026 is annexed herewith and marked as **ANNEXURE-1**.

5. That the UPPCB vide letter dated 30.06.2026 has submitted inspection report dated 15.06.2026 to the Deponent apprising the observations made during the site inspection. The conclusions made from the site inspection are as follows:

- i. During the inspection dumping/burning of Municipal Solid Waste (MSW) and accumulation of legacy waste were not observed at the site.
- ii. At the time of inspection no submergence of the portion of Sai Upwan with overflowing of sewage/waste water carrying by the drain was observed at the site.
- iii. Construction of Kaila Bhatta RCC drain from Kaila Bhatta to Post-mortem House was found underway to resolve for water logging for the city zone and Meerut Road areas

A copy of the letter dated 30.06.2026 is annexed herewith and marked as **ANNEXURE-2**.



01 JUL 2026

6. Hence, the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.
7. I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom. That the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.


DEPONENT

VERIFICATION

Verified at GHAZIABAD on this the 1st day of JULY, 2026 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.

ATTESTED

(Sandeep Sharma)
 Reg. No. 1186/98
 NOTARY PUBLIC
 Ghaziabad (U.P.)




DEPONENT

U 1 JUL 2026

सेवा में,

ANNEXURE-1

नगर आयुक्त महोदय,

नगर निगम,

गाजियाबाद।

विषय:— मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 संख्या 168/2026 राजेन्द्र त्यागी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 19.03.2026 के संबंध में।

महोदय,

कृपया उपरोक्त विषय का संदर्भ ग्रहण करने का कष्ट करें। मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 संख्या 168/2026 राजेन्द्र त्यागी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 19.03.2026 के मुख्य अंश निम्नवत है:—

".....3. Pointing out the issue of mis-managed solid waste disposal in Sai Upwan city, learned Counsel for the Applicant has submitted that there is illegal dumping of solid waste in the area and the burning of solid waste also takes place consequently about 70,000 trees are drying. Counsel for the Applicant has raised the further issue of accumulation of the legacy waste and has also submitted that the sewage/waste water is discharged in the storm water drain coming from the city side and passing through the Sai Upwan. Counsel for the Applicant further submits that during rainy season this part of the area gets submerged on account of overflowing of sewage/waste water.

4. Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal....."

मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 19.03.2026 के क्रम में प्रश्नगत स्थल का निरीक्षण उ0प्र0 प्रदूषण नियंत्रण बोर्ड गाजियाबाद के अधिकारियों के द्वारा दिनांक 15.06.2026 को किया गया एवं निम्न संस्तुतियां की गयी है:—

- I. Ghaziabad Nagar Nigam should ensure that no municipal solid waste dumping is done in the area of Sai Upwan.
- II. Regular cleaning of drain is required to remove solids so that there should be no problem of over flowing from drain into near by areas.
- III. Tapping of drain should be ensured.

अतः आपसे अनुरोध है कि उक्त का अनुपालन सुनिश्चित कराये जाने एवं अनुपालन आख्या प्रेषित किये जाने हेतु संबंधित को निर्देशित करने का कष्ट करें। अग्रेतर प्रकरण दिनांक 02.07.2026 को सुनवाई हेतु मा0 अधिकरण के समक्ष पुनः सूचीबद्ध है।

(विकास कश्यप)

अपर जिलाधिकारी (नगर)/
नोडल एन0जी0टी0
गाजियाबाद।

प्रतिलिपि:—

जिलाधिकारी महोदय, गाजियाबाद को सादर सूचनार्थ।

अपर जिलाधिकारी (नगर)/
नोडल एन0जी0टी0
गाजियाबाद।



378
क्षेत्रीय कार्यालय—उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.up.gov.in, e-mail: roghaziabad@uppcb.in

संदर्भ संख्या : 220 / NGT-273 / 2026

दिनांक 24/06/2026

सेवा में,

नगर आयुक्त महोदय,
नगर निगम,
गाजियाबाद।

विषय:— मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या 168/2026 राजेन्द्र त्यागी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 19.03.2026 के संबंध में।

महोदय,

कृपया उपरोक्त विषय का संदर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या 168/2026 राजेन्द्र त्यागी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 19.03.2026 के मुख्य अंश निम्नवत है:—

“.....3. Pointing out the issue of mis-managed solid waste disposal in Sai Upwan city, learned Counsel for the Applicant has submitted that there is illegal dumping of solid waste in the area and the burning of solid waste also takes place consequently about 70,000 trees are drying. Counsel for the Applicant has raised the further issue of accumulation of the legacy waste and has also submitted that the sewage/waste water is discharged in the storm water drain coming from the city side and passing through the Sai Upwan. Counsel for the Applicant further submits that during rainy season this part of the area gets submerged on account of overflowing of sewage/waste water.

4. Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal.....”

मा० अधिकरण द्वारा पारित आदेश दिनांक 19.03.2026 के क्रम में प्रश्नगत स्थल का निरीक्षण इस कार्यालय की प्राधिकृत अधिकारियों के द्वारा दिनांक 15.06.2026 को किया गया एवं निम्न संस्तुतियां की गयी हैं:—

- I. Ghaziabad Nagar Nigam should ensure that no municipal solid waste dumping is done in the area of Sai Upwan.
- II. Regular cleaning of drain is required to remove solids so that there should be no problem of over flowing from drain into near by areas.
- III. Tapping of drain should be ensured.

अतः आपसे अनुरोध है कि उक्त का अनुपालन सुनिश्चित कराये जाने एवं अनुपालन आख्या इस कार्यालय को प्रेषित किये जाने हेतु संबंधित को निर्देशित करने का कष्ट करें।

भवदीय

(अंकित सिंह)

क्षेत्रीय अधिकारी

प्रतिलिपि:—

1. जिलाधिकारी महोदय, गाजियाबाद को सादर सूचनार्थ प्रेषित।
2. मुख्य पर्यावरण अधिकारी (वृत्त-1) उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी



क्षेत्रीय कार्यालय—उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.gov.up.in, e-mail: roghaziabad@uppcb.in

संदर्भ संख्या : २८८/१९६७/२०२६

दिनांक ३०/०६/२०२६

सेवा में,

जिलाधिकारी महोदय,
गाजियाबाद।

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या 168/2026 राजेन्द्र त्यागी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 19.03.2026 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या 168/2026 राजेन्द्र त्यागी बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 19.03.2026 के मुख्य अंश निम्नवत् है:-

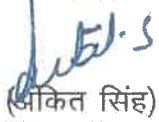
“.....3. Pointing out the issue of mis-managed solid waste disposal in Sai Upwan city, learned Counsel for the Applicant has submitted that there is illegal dumping of solid waste in the area and the burning of solid waste also takes place consequently about 70,000 trees are drying. Counsel for the Applicant has raised the further issue of accumulation of the legacy waste and has also submitted that the sewage/waste water is discharged in the storm water drain coming from the city side and passing through the Sai Upwan. Counsel for the Applicant further submits that during rainy season this part of the area gets submerged on account of overflowing of sewage/waste water.

4. Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal.....”

उक्त के अनुपालन में इस कार्यालय के अधिकारियों द्वारा दिनांक 15.06.2026 को निरीक्षण किया गया। निरीक्षण आख्या पत्र के साथ संलग्न कर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित की जा रही है।

संलग्नक:उपरोक्तानुसार।

भवदीय


(आकित सिंह)
क्षेत्रीय अधिकारी

o/c

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८
मुख्यालय : TC-12V, विभूति खण्ड, गौमती नगर, लखनऊ २२६०१०

Inspection of site in question in compliance of order dated 19.03.2026 passed by Hon'ble National Green Tribunal Principal Bench, New Delhi in O.A. No.168/2026 In Rajendra Tyagi Vs Union of India & Ors.

1. Background:-

Hon'ble National Green Tribunal (here in after referred to as NGT) vide its order dated 19.03.2026 in OA No.168/2026 Rajendra Tyagi Vs Union of India & Ors. has passed certain directions, relevant portion is reproduced here under:

".....3. Pointing out the issue of mis-managed solid waste disposal in Sai Upwan city, learned Counsel for the Applicant has submitted that there is illegal dumping of solid waste in the area and the burning of solid waste also takes place consequently about 70,000 trees are drying. Counsel for the Applicant has raised the further issue of accumulation of the legacy waste and has also submitted that the sewage/waste water is discharged in the storm water drain coming from the city side and passing through the Sai Upwan. Counsel for the Applicant further submits that during rainy season this part of the area gets submerged on account of overflowing of sewage/waste water.

4. Issue notice to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal....."

2. Grievances of the applicant raised in Original Application:-

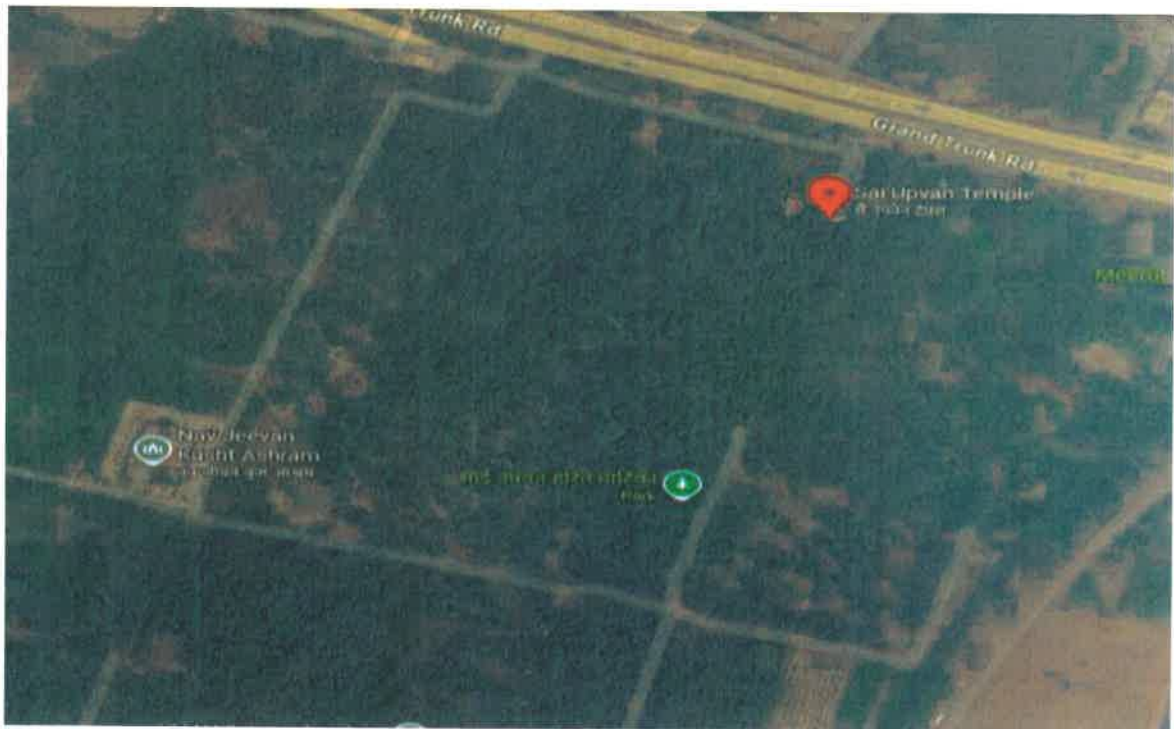
The certain allegations were raised by the applicant on following issues:-

- I. Incessant dumping and burning of Municipal Solid Waste (MSW), massive accumulation of legacy waste in Sai Upwan, a designated city forest situated adjacent to Hindon River in Ghaziabad.

- II. Over flowing of sewage/waste water in the storm water drain coming from city side passing through Sai Upwan before finally discharging the untreated sewage/waste water into Hindon River at the west end of Sai Upwan.
- III. Submergence of a significant portion of Sai Upwan with sewage/waste water due to breaking of the storm water drain passing through Sai Upwan.

3.Introduction:-

Sai Upwan was earmarked as a city forest under the master plan 2021 and is spread in about 200 acres of area, situated adjacent to Hindon River in Ghaziabad. Sai Upwan is located with the Hindon River on one side and G.T. Road, New-Delhi Howrah Railway Line and Kaila Bhatta Colony on other sides. At present the maintenance and conservation of Sai Upwan is being carried out by Ghaziabad Nagar Nigam.



Google Image of Sai Upwan City Forest

4.Factual Status of issues raised in the Original Application:-

Pursuant to order dated 19.03.2026 of Hon'ble National Green Tribunal, site inspection of area in question was carried out on 15.06.2026 to identify the places of dumping of MSW, accumulation of legacy waste as well as submergence portion of Sai Upwan with sewage/waste water. The observations made during the visit are as follows:-

- I. During inspection no municipal solid waste (MSW) was found being dumped in Sai Upwan and accumulation of legacy waste was not observed at the site.
- II. At the time of inspection burning of MSW was not observed at the site.
- III. During inspection, the photographs with geo-coordinates of Sai Upwan attached with Original Application were also visited and no dumping/burning of MSW and accumulation of legacy waste were observed at the site.
- IV. It was observed that a municipal drain named as Kaila Bhatta drain originating in the densely populated urban areas of Ghaziabad carries sewage/waste water coming from city side passes through Sai Upwan before finally discharging the untreated sewage/waste water into Hindon River at the west end of Sai Upwan (Near Postmortem House).
- V. During inspection construction of Kaila Bhatta RCC drain from Kaila Bhatta to the post-mortem House was found underway to provide relief from water logging for the city zone and Meerut Road areas. On the day of inspection no construction work was found being carried out Photograph of site taken during visit are as follows:-



Figure:- Construction of drain.

- VI. At the time of inspection after digging the drain heaps of soil were found at various places. Photograph taken during visit are as follows:-



Figure:- Heap of Soil after digging drain

- VII. At the time of inspection major portion of the Kaila Bhatta drain passing through Sai Upwan was surveyed and no portion of Sai Upwan was found to be get accumulated with over flowing of sewage/waste water carrying by the drain.
- VIII. It is also necessary to bring to notice that the Kaila Bhatta drain is one of nine major untapped drain in Ghaziabad that discharge untreated sewage/waste water directly into Hindon River. U.P. Jal Nigam has prepared a Detailed Project Report (DPR) estimating cost Rs. 2105.35 Crores to tap for seven untapped drains (Pratap Vihar Drain, Rahul Vihar Drain, Hindon Vihar Drain, Nandgram Drain, City Forest Drain, Dasna Drain) including Kaila Bhatta under the Namami Gange Programme and the process of approval of the project is underway. Timelines for completion of the project is 36 month from date of sanction. It includes setting up the STPs of 70 MLD (MBR) and 180 MLD (SBR).
- IX. During inspection it was also observed that Ghaziabad Nagar Nigam has set up a composting plant in Sai Upwan area to make compost from flowers, garlands etc. coming from places of worship, which was found closed.
- X. During inspection the problem of MSW/Garbage accumulation was found at some locations in the drain due to which blockage can cause spill over and regular cleaning is required. Photograph taken of site is as follows:-



XI. During inspection water samples from drain and Hindon River were collected and deposited to the Laboratory of Regional Office UPPCB Ghaziabad for analysis. Details of analysis result is tabulated as follows:-

S.No	Locations	Parameters							
		pH	Colour (App./ Hz)	DO (mg/l)	BOD (mg/l)	COD (mg/l)	TSS (mg/l)	Total Coli form (MPN/100 ml)	Fecal Coli form (MPN/100ml)
1	Water sample from Kaila Bhatta drain near Post Mortem House (before meeting Hindon River)	7.24	Blackish	Nil	88.0	224.0	170.0	47X10 ⁵	39X10 ⁵
2	Water sample from Hindon River near Post Mortem House (after meeting Kaila Bhatta drain)	7.54	30	Nil	54.0	128.0	152.0	35X10 ⁴	28X10 ⁴

5. Conclusion:-

- I. During inspection dumping/burning of Municipal Solid Waste (MSW) and accumulation of legacy waste were not observed at the site.

- II. At the time of inspection no submergence of the portion of Sai Upwan with overflowing of sewage/waste water carrying by the drain was observed at the site.
- III. Construction of Kaila Bhatta RCC drain from Kaila Bhatta to Post-mortem House was found underway to resolve for water logging for the city zone and Meerut Road areas.

6. Recommendation:-

In view of findings and observations made during the site visit, the recommendations are as follows:-

- I. Ghaziabad Nagar Nigam should ensure that no municipal solid waste dumping is done in the area of Sai Upwan.
- II. Regular cleaning of drain is required to remove solids so that there should be no problem of over flowing from drain into nearby areas.
- III. Tapping of drain should be ensured.

The above report is being submitted for kind perusal and necessary action.



(Sandesh Kumar)
AEE