

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION. NO. 24 OF 2023
IN
ORIGINAL APPLICATION NO. 44 OF 2022
(I.A. No. 488/2024)**

Saket Girls P.G. College

...Applicant

Versus

State of Uttar Pradesh.

...Respondent

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Through



Date: 31.07.2025

Place: New Delhi

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ADVOCATE**

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**REPLY ON BEHALF OF THE EXECUTIVE OFFICER, NAGAR PALIKA
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FILED BY THE APPLICANT ALONGWITH SUPPORTING AFFIDAVIT,
MOST RESPECTFULLY SHOWETH**

That the answering Respondents deny each and every statement, contention, submission, allegation, and/or averment made by the Appellant in the complaint, which is contrary to or inconsistent with the present reply or the records of the case. It is categorically stated that all such statements, submissions, or averments made by the Appellant that are inconsistent with what is submitted in this reply are denied in totality, except those which are specifically and expressly admitted hereinafter. Furthermore, it is submitted that any omission to deny any of the averments made by the Appellant should not be construed as an admission on the part of the answering Respondents, and no adverse inference should be drawn from such omissions.

PARAWISE REPLY TO THE COUNTER AFFIDAVIT

1. That the contents of paragraph 1 in the counter affidavit does not require any comment.
2. That the contents of paragraph 2 in the counter affidavit is admissible to the extent that the counter-affiant is aware of the facts of the case, the rest is not admissible due to lack of information.
3. That the contents of paragraph 3 in the counter affidavit is not acceptable. The compliance affidavit dated 06.05.2025 submitted by respondent number-2 is completely factual and true and no attempt has been made to mislead the Hon'ble Agency in any way through the facts contained in it, rather an attempt is being made to mislead the Hon'ble Agency by distorting the facts of the compliance affidavit submitted by the applicant counter-affiant respondent number-2.
4. That the contents of paragraph 4 in the counter affidavit is not acceptable. The counter-affiant has stated in his compliance affidavit dated 06.05.2025 that the water collected in the school premises is being released through a pump to the nearest sewerage treatment plant and it has not been stated that the drains under construction have been connected to the STP. Thus the counter-affiant is trying to mislead the Hon'ble Tribunal by distorting the facts.
5. That the contents of paragraph 5 in the counter affidavit is not acceptable. The truth is that the best efforts were made by the defendant number-2 to complete the proposed drain construction on time, but due to unavoidable circumstances arising at the work site, the construction of the drain took more time than the prescribed

time to complete and the newly constructed drain has now been connected to the wetland, in which water is flowing smoothly.

6. That the contents of paragraph 6 in the counter affidavit is a well thought out conspiracy to mislead the Hon'ble Agency, in which there is not even an iota of truth. For this reason the statement is not acceptable. Whatever directions have been given by the Hon'ble Agency in the case, the affiant has complied with them 100%.
7. That the contents of paragraph 7 in the counter affidavit is not acceptable. The construction of the drain has been completed and it has also been connected to the wetland. The deponent never claimed the construction of STP. This statement is a fabricated statement of the deponent, which is being made to mislead the Hon'ble Agency.
8. That the contents of paragraph 8 in the counter affidavit is not acceptable. As soon as the drainage problem was noticed, the municipality took immediate action and within a year about 1288 meters of drain was constructed, it was connected to the wetland and till the construction was under way, under the alternative arrangement, alternative arrangement for drainage of water from the school premises was made through pump. Even after so many efforts of the municipality, if the counter-affiant feels that the municipality did not make timely efforts, then this may be his personal thinking, on which it does not seem appropriate to comment.
9. That the contents of paragraph 9 in the counter affidavit is not acceptable. The affiant has described the guidelines of the Hon'ble Tribunal related to the case factually and in detail in his compliance affidavit dated 06.05.2025.

10. That the contents of paragraph 10 in the counter affidavit is not acceptable. The applicant is stating before the Hon'ble Tribunal that he has sufficient evidence to prove the compliance affidavit of the respondent wrong, whereas the counter-affiant has not attached a single factual evidence with his counter-affidavit, which can prove that the compliance affidavit dated 06.05.2025 presented by the affiant is contrary to the facts and is beyond the truth. In such a situation, the statement of the counter-affiant is rejected.
11. That the contents of paragraph 11 in the counter affidavit does not require any comment.
12. That the contents of paragraph 12 in the counter affidavit is not acceptable. The affiant has tried his best to solve the problem of the applicant and all the orders/directions given by the Hon'ble Authority from time to time have been seriously complied with, as a result of which the drain for drainage is ready, and water is flowing smoothly in it. The truth is that the school campus of the petitioner is situated on low land much below the level of the drain, due to which the water of the applicant's school cannot be drained into the newly constructed drains without taking any measures. To avoid the expenses incurred in those measures, the applicant is presenting fabricated, false and misleading facts before the Hon'ble Authority so that he does not have to spend money for drainage himself and the drainage of water from his private campus can be arranged at the expense of the municipality.
13. That the contents of paragraph 13 in the counter affidavit is not acceptable. The truth is that before 31 December 2019, the applicant's school premises was not included in the municipal area and the unplanned arrangement for its drainage was

being done by the Gram Sabha management itself. It is not appropriate to blame the municipality for this. After 31 December 2019, when the applicant's school premises was included in the municipal limits, the municipality started the planned management of drainage, which is currently working smoothly after the construction of the drain.

14. That the contents of paragraph 14 in the counter affidavit is not acceptable. The deponent cannot deny the fact that after the year 2019, under a planned drainage system, a drain of about 1288 meters has been constructed by the Municipal Council Belha-Pratapgarh and in view of environmental protection, the drain has been connected to the wetland so that untreated water does not go directly into the Sai River. As far as the question of waterlogging in the school premises of the deponent is concerned, it is the result of the short-sightedness of the school management, which should be resolved by the school management itself.
15. That the contents of paragraph 15 in the counter affidavit is not acceptable. Before the construction of the drain, the municipality was ensuring the drainage of water through pumps in compliance with the orders of the Hon'ble Tribunal, the documentary evidence of which is available with the municipality in the form of a cost book. In such a situation, the statement made by the counter-affiant in this paragraph is not acceptable because it is misleading and untrue.
16. That the contents of paragraph 16 in the counter affidavit is not acceptable as it is beyond the truth. As soon as the counter-affiant brought his problem to the notice of the municipality, the municipality started the construction of the drain by taking good faith action. Although the expenditure involved in the construction of the drain was much more than the limit of the resources of the municipality, yet the municipality arranged for funds for the construction of the drain from the

government level in view of the drainage system, and got the construction of the drain completed. Before starting any work, it is natural to face practical difficulties in preparing a plan on paper and actually getting the work done at the site, due to which the construction of the drain took a little more time than expected, but the municipality got the work completed. In such a situation, the deponent's accusation on the municipality shows his dirty intentions.

17. That the contents of paragraph 17 in the counter affidavit is not accepted. It is accepted that the case started in the year 2019 when the affiant complained that the municipality has constructed a drain in its boundary area and left it, through which the city's water is drained and the water coming out of the drainage collects in front of the main gate of his school and in his school premises, on this the Municipal Council Velha decided to extend its incomplete drain by about 1288 meters and connect it to the wetland and in the last three years the work of drain construction has also been completed, while during this time there was also the outbreak of Corona period and the affiant had to arrange the amount of money required to complete such a big work from the government level because there were no strong financial resources. Due to these reasons, it took more time than the estimated time, but at present the said work has been completed by the municipality. Therefore, the statement being made by the affiant seems to be unimportant.

18. That the contents of paragraph 18 in the counter affidavit is not acceptable. The statement made by the affiant in this paragraph is beyond the truth. The certificate of completion of work presented by the affiant on 28.02.2025 is regarding the construction of 920 meters of drain, whereas the remaining 368 meters of drain needed to be constructed separately when it was decided to connect the drain to

the wetland site. The affiant is trying to mislead the Hon'ble Tribunal by hiding this truth. The affiant is mentioning STP in his paragraphs time and again, whereas the affiant has never mentioned the construction of STP in his report from the beginning of the work till today. Regarding the inspection report of District Magistrate Pratapgarh dated 18.03.2025, which is being mentioned by the counter-affiliate, it is to be informed that on 18.03.2025, when the drain was inspected by the District Magistrate, Pratapgarh, the drains were not interconnected at one or two places, which were directed to be connected before the rains by the District Magistrate, Pratapgarh, which has been complied with by the Municipality before submitting the report dated 06.05.2025.

19. That the contents of paragraph 19 in the counter affidavit is not acceptable. The municipality has constructed a wetland of 2.5 MLD capacity to treat the water flowing in the drains in question, which is fully functional even today. The counter-affiant is now cleverly presenting a new problem in his affidavit, for which he himself is responsible. The counter-affiant had earlier complained that the municipality is releasing the untreated water of the city in front of the main gate of his school, which is also collecting in his school premises. Now the counter-affiant is presenting the fact in his affidavits that the drains constructed by the municipality are not draining the water of the school premises and the houses around it. The deponent himself is responsible for this problem, because the school building constructed by him is on a very low land without keeping the long term consequences in mind, which will have a negative impact on the environment. This has been mentioned by the deponent in his earlier affidavits as well. The truth is that when the municipality extended its incomplete drain construction and completed its construction, the deponent is trying to get the municipality to arrange for drainage of his personal premises at its own expense,

whereas he himself is responsible for the unplanned construction of his school building. The deponent's statement that untreated water from the STP built on Ramlila Ground is being released into the Sai River is completely false and misleading. The STP is fully functional and the polluted water from it is being released into the Sai River only after being treated.

20. That the contents of paragraph 20 in the counter affidavit is not acceptable. The counter-affiant has been deliberately making fabricated, misleading and untrue statements throughout the affidavit, so that he can mislead the Hon'ble Tribunal. In this paragraph, the counter-affiant is deliberately drawing the attention of the Hon'ble Tribunal to the issue of environmental encroachment, whereas his original complaint was to complete the incomplete drain construction, which has already been completed by the municipality.

21. That the contents of paragraph 21 in the counter affidavit is not acceptable. The affidavit submitted earlier by the counter-affiant is in continuation of the compliance report sought by the Hon'ble Tribunal in which facts have been presented in view of the work done by the counter-affiant. If the Hon'ble Tribunal had given instructions to present evidences along with the compliance report, then the counter-affiant would have presented them also before the Hon'ble Tribunal in his compliance affidavit. The statement made by the counter-affiant is an attempt to mislead the Hon'ble Tribunal, which is not acceptable.

22. That the contents of paragraph 22 in the counter affidavit is not acceptable. The counter-affiant has mentioned the reports of 16.01.2025 and 06.05.2025 in this paragraph. The report dated 14.01.2025 presented by the committee constituted by the District Magistrate on 16.01.2025 has been approved, in which the committee has mentioned the irregularities committed by the school management

at various levels, which has nothing to do with the construction of the drain. The report dated 06.05.2025 presented by the counter-affiant is true. The construction of the drain was completed by 06.05.2025.

23. That the contents of paragraph 23 in the counter affidavit is not acceptable. A special leave petition (civil diary number-52944/2024) has been filed by the affiant before the Hon'ble Supreme Court, in which the order dated 28.08.2024 passed by the Hon'ble Tribunal has been challenged. It is true that no decision has been taken by the Hon'ble Court on whether the petition in question filed in the Hon'ble Supreme Court is maintainable or not, but it is also true that the petition filed by the affiant in the Hon'ble Supreme Court has not been rejected yet, in such a situation, the comment made by the counter-affiant seems to be a contempt of the Hon'ble Supreme Court.

24. That the contents of paragraph 24 in the counter affidavit is not acceptable. The affiant has complied with the orders issued by the Hon'ble Tribunal. The affiant is making baseless statements in his affidavit to mislead the Hon'ble Tribunal for his personal gain, which is not acceptable.

25. That the contents of paragraph 25 in the counter affidavit is denied. The deponent has ensured 100% compliance of the orders given by the Hon'ble Tribunal, and he has never made any attempt to mislead the Hon'ble Tribunal. Along with this, the deponent has not done any such work which is causing degradation of the environment. The affidavit submitted by the deponent dated 08.05.2025 is completely factual and true.

26. That the contents of paragraph 26 in the counter affidavit is not acceptable. The affidavit presented by the counter-affiant is a bundle of lies, which is written with

the intention of misleading the Hon'ble Tribunal, which is not acceptable from the legal point of view.

27. That the contents of paragraph 27 in the counter affidavit does not require any comment.

Through



Date: 31.07.2025

Place: New Delhi

PRIYANKA SWAMI

ADVOCATE

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AFFIDAVIT

I, RAKESH KUMAR, aged about 50 years s/o Sh. LAKSHMI PRASAD JAISWAL is presently posted as Executive Officer, Nagar Palika Parishad, Belha, District- Pratapgarh, Uttar Praadesh.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Reply has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.





 ✓ DEPONENT

VERIFICATION

Verified on solemn affirmation at _____ on this _____ day of _____ 2025, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.





 ✓ DEPONENT