

**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

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FILED BY

Rahul Rathore *Pallvi Hooda*
**(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, 10TH FLOOR,
6 TILAK MARG, NEW DELHI 110001
MOBILE NO. 9810188819
E-mail: vijay3312@gmail.com

Date: 30.01.2025

Place: New Delhi



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**REPLY ON BEHALF OF RESPONDENT NO.2/NKC PROJECTS
PVT. LTD. TO THE RESPONSE OF J&K PCC**

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 Answering Respondent is submitting the present reply to the response filed by J&K PCC (hereinafter called the "JKPCC



response”) in the above OA, pursuant to the opportunity granted by this Hon’ble Tribunal vide order dated 12.12.2024.

3. That the JKPCC response confirms that, upon inspection, no waterlogging was observed. It further records a categorical finding that no damage was caused to the orchards. In this regard, the report is accurate and presents a true reflection of the on-ground situation.
4. That however, the Answering Respondent strongly objects to certain statements in the JKPCC response, particularly the assertion that *“Flooding may have been caused due to the diversion of the water channel/nallah, which has now been restored”* and that *“The local nallah was earlier diverted by the National Highway Authority of India for the construction of a bridge, which is likely to have caused waterlogging. The nallah has been restored to its original course, and no flooding or waterlogging was observed anywhere in the surrounding area during the inspection.”* These statements, which suggest a past diversion of the local nallah, are hereinafter referred to as the “Challenged Observations.”
5. That the Challenged Observations are entirely speculative and unrelated to the findings of the actual inspection, which confirmed that there was no diversion, no waterlogging, and no damage. Instead, these statements refer to an alleged past diversion, the timing and occurrence of which remain unspecified. Moreover, the Challenged Observations fail to provide any evidence or basis to support the claim that such a diversion ever took place. They rest purely in the realm of conjecture.



6. That the Answering Respondent categorically denies any alleged diversion of the watercourse. It is emphatically stated that no local nallah or any other watercourse in the region has ever been diverted at any point in time. The claim of past diversion is entirely baseless and devoid of factual support.
7. That the true and correct facts have been set out in the replies earlier filed by the Answering Respondent and the contents of the same are reiterated as correct. The contents of the JKPCC Response, to the extent that it is inconsistent with or contrary to the replies of the Answering Respondent are categorically denied.
8. 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 New Delhi on this 30st day of January 2025.



ATTESTED
 NOTARY PUBLIC
 NEW DELHI, (INDIA)

30 JAN 2025



Vijay Kumar <vijay3312@gmail.com>

Reply on behalf NKC Projects In a matter of O A No. 620/2024, Bashir Ahmed Bhat & Ors. Vs. NHAI & Ors,

1 message

Vijay Kumar <vijay3312@gmail.com>

Thu, Jan 30, 2025 at 4:38 PM

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

Reply on behalf NKC Projects In a matter of O A No. 620/2024, Bashir Ahmed Bhat & Ors. Vs. NHAI & Ors,

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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

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