

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
I.A. NO. 626 OF 2023
IN
ORIGINAL APPLICATION 392 OF 2022**

IN THE MATTER OF:

PRASOON PANT & ANR. ... APPLICANTS

VERSUS

UNION OF INDIA & ORS. ... RESPONDENTS

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THROUGH



RITWICK DUTTA



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PLACE: NEW DELHI

DATE: 17.10.2023

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REPLY TO I.A. NO. 626 OF 2023 ON BEHALF OF THE

APPLICANTS:

MOST RESPECTFULLY SHOWETH:

1. That the above-titled I.A. No. 626 of 2023 has been filed by M/s Coco County (hereinafter referred to as the '**Project Proponent**') who is Respondent No. 13 in the Original Application No. 392 of 2022 titled *Prasoon Pant & Anr. V. Union of India & Ors.* It is submitted that the said Projects falls within the jurisdiction of Greater Noida Industrial Development Authority (GNIDA) who is Respondent no. 8 in the present Original Application.
2. That the Original Application was filed by the Applicants raising the issue of illegal extraction of ground water by the builders operating in Noida, impleaded as respondent Nos. 09 to 48. Vide order dated 5.07.2022, this Hon'ble Tribunal formed a Joint Committee to verify facts and furnish an action taken report.
3. That vide order dated 15.11.2022, the Hon'ble Tribunal directed that:

"11. Following the above order, we issue directions for sealing of all illegally operating borewells and recovery of compensation for illegal extraction of ground water in the past considering the cost of such water with deterrent element and the cost of replenishing ground water level. In absence of clear data on these aspects, interim/floor level compensation can be equal to atleast 0.5% of the project cost of the PPs, apart from remedial action for future. ..."

4. That according to the said order, the Uttar Pollution Control Board submitted a compliance report dated 15.05.2023 wherein it had calculated the interim compensation for all the defaulting projects based on 0.5% of the project cost. Vide letter dated 12.05.2023, the UPPCB imposed a compensation of Rs. 1.31 crores for illegal extraction of groundwater.
5. That the said I.A. has been filed seeking modification/stay of the order dated 15.11.2022, quashing of notices sent by the UPPCB dated 5.12.2022, 27.03.2023 and 12.05.2023 directing payment of interim/floor level compensation.
6. That the Project Proponent by this present application has raised the contention that the project is under construction phase and has been operating according to the EC conditions granted to it on 8.04.2019. The borewell found at the project site is non-functional and abandoned. Further, they contend that they have dismantled the said borewell as they are using STP water purchased for construction purposes. However, it is contended that despite the communication sent to the UPPCB regarding dismantling of the borewell found, the UPPCB still imposed interim compensation on the Project Proponent.
7. That as per order dated 5.07.2022, the members of the Joint Committee had visited the site for inspection on 21.09.2022 wherein they had found one borewell (7.5 HP) present at the project site. Vide letter dated 26.09.2022, the UPPCB intimated the Project Proponent about the borewell so discovered and also stated that the representatives of the Project Proponent could not produce a valid NOC. Therefore, they were directed to present a valid NOC from UPGWD within 1 week.
8. That in response to the letter dated 26.09.2022, the Project Proponent vide email dated 28.09.2022 sent a point wise clarification to UPPCB. Herein they claimed that the borewell present at the site to be old, dysfunctional and abandoned near the boundary wall on the side of Tower

- A. They further stated that the borewell was dismantled at site and annexed a picture of the same.
9. That further, the email dated 28.09.2022 also stated that the project is not using groundwater but is rather using purchased 2012 trips of tankers of 5000 litres capacity each i.e. total 10.06 million litres of STP treated water. Therefore, the Project Proponent states that the borewell is not under their use as they are using STP water purchased by them for construction purposes. However, the Project Proponent has not annexed any receipt or proof of purchase of the tanker water for construction purposes.
 10. It is submitted that considering that the said project falls within the jurisdiction of GNIDA, who is responsible for the supply of water within its jurisdiction as per the UP Industrial Area Development Act, 1976, hence, their submissions are required to be noted for the proper adjudication of the above-titled I.A. and Original Application. Further, response from UPPCB is required to be submitted in the present I.A. for the proper adjudication of the matter.
 11. That in light of the above, the Applicants seek liberty to file additional submissions/reply to the submissions by GNIDA and UPPCB, if and when allowed by this Hon'ble Tribunal.
 12. Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

Pradeep Kumar

APPLICANT NO. 2

THROUGH

Ritwick Dutta

RITWICK DUTTA

Rahul Choudhary

RAHUL CHOUDHARY

ADVOCATES

COUNSEL FOR THE APPLICANTS

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AFFIDAVIT

I, Pradeep Kumar, S/o Shri Chandu Lal, aged about 34 years, R/o Village Village Sunpura, Post Vaidpura, Greater Noida, Gautam Budh Nagar (UP), do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 2 in the above titled Original Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Reply are true and correct and nothing material has been concealed therefrom.

I, IDENTIFIED THE
DEPONENT WHO HAS
SIGNED IN MY PRESENCE

Pradeep Kumar

DEPONENT**VERIFICATION**

Verified on this 17th day of October, 2023 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARRANDA		
Notary Reg. No. 785	17 OCT 2023	ADVOCATE ENL. No. D.28704
ATTESTED 9899422266		

Pradeep Kumar

DEPONENT**ATTESTED**