

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O. A. No. 492 OF 2022

IN THE MATTER OF:-

GREEN WOOD CITY VILLA JAN WELFARE  
SOCIETY & ANR

... APPLICANT

VERSUS

GODWIN CONSTRUCTION COMPANY  
PVT LTD & ORS

...RESPONDENTS

REPLY TO THE ACTION TAKEN REPORT DATED  
23.11.2022 ON BEHALF OF RESPONDENT NO. 1 I.E.  
GODWIN CONSTRUCTION COMPANY PVT LTD

(FOR INDEX: Kindly See Inside)

New Delhi  
Dated: 03/01/2023

FILED BY

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INDEX

<u>S. No.</u>	<u>Particulars</u>	<u>Pages</u>
<u>1.</u>	Reply to the Action Taken Report dated 23.11.2022 on behalf of Respondent No. 1 i.e. Godwin Construction Company Pvt. Ltd. with Affidavit.	1-13
<u>2.</u>	The Photographs of the sewerage point are annexed herewith and marked as ANNEXURE A/1.	14
<u>3.</u>	The Photographs showing the sewerage lines/ drain lines constructed in the society are annexed herewith and marked as ANNEXURE A/2.	15
<u>4.</u>	The Photographs of the internal roads of the society are annexed herewith and marked as ANNEXURE A/3.	16-17
<u>5.</u>	The photographs showing the opened back gate of the society are annexed herewith and marked as ANNEXURE A/4.	18
<u>6.</u>	Vakalatnama.	19

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**REPLY TO THE ACTION TAKEN REPORT DATED  
23.11.2022 ON BEHALF OF RESPONDENT NO. 1 I.E.  
GODWIN CONSTRUCTION COMPANY PVT LTD**

**TO,**

**THE HON'BLE CHAIRPERSON  
AND HIS OTHER COMPANION JUDGES  
OF THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**MOST RESPECTFULLY SHEWETH:-**

**1. PRELIMINARY SUBMISSIONS:-**

**1.1.** At the very outset it is submitted that the applicant has not come with clean hands before this Honourable Tribunal as the applicant has suppressed the vital information and true facts and

as such the application deserves dismissal at the very threshold on the count of suppression of material facts and for misleading the Honourable Tribunal.

- 1.2. That in **Ashok Kumar Pandey versus State of W.B (2004) 3 SCC 349**, the Honourable Apex Court after considering few decisions on the aspect of Public Interest Litigation observed as follows: "4. When there is material to show that a petition styled as **Public Interest Litigation** is nothing but a camouflage to foster personal disputes, said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. **Public Interest Litigation** which has now come to occupy an important field in the administration of law should not be "**Publicity Interest Litigation**" or "**Private Interest Litigation**" or "**Politics Interest Litigation**" or the latest trend "**Paise Income Litigation**". If not properly regulated and abuse averted it becomes also a tool in unscrupulous hands to release vendetta and wreck vengeance, as well. There must be real and genuine public interest involved in the litigation and not

merely an adventure of a knight errant or poke ones nose into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the Court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration." The Honourable Apex court further stated that "A petitioner who comes to the Court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective."

- 1.3. That the answering respondents humbly submits that the main applicants in the O.A, who claims to be a registered society & an association, are themselves not duty bound to their services towards the welfare of the society, as neither they work towards

the betterment & maintenance of the society against the heavy maintenance charges they collect from each house of the society and nor they contribute and coordinate with the answering respondent when the answering respondent ask for their coordination in order to maintain the society. The petition is a motivated petition with ulterior motive in order to just harass the answering respondent, for the reason best known to them only.

- 1.4. That it is humbly submitted that all the material allegations made in the application against the answering respondent are false and fabricated and the application is not maintainable either on the facts or in law against the answering respondents.
- 1.5. That the Respondent No. 1 i.e. Godwin construction company Pvt. Ltd. is one of the India's leading real estate conglomerates which has left no stone unturned in conceptualizing the unconventional without compromising with the quality and needs of its customers . The respondent No. 1 has always complied with all the environmental rules and prescribed norms, which are laid down by the CPCB & UPPCB from time

to time, in every manner whatsoever. The Respondent No. 1 firmly believes in the Principle of "Sustainable Development."

1.6. That except what has been specifically admitted herein, the rest of the statements made in the application may be deemed to have denied and repudiated by the answering respondent. The deponent humbly begs to state further that the answering respondent does not admit anything which is contrary to the record. Further crave leave of this Honourable Tribunal to file an additional affidavit, if necessary.

**2. PARA WISE REPLY TO THE OBSERVATIONS MADE BY THE JOINT INSPECTING COMMITTEE**

2.1. That with regard to Observation No. 1 made by the joint committee, the answering respondent humbly submits that it was agreed between Meerut Development Authority (MDA) & the answering respondent that the STP will be installed & maintained by the MDA therefore MDA has installed & IS presently maintaining the STP into which the Respondent No. 1 discharges its sewerage. The MDA has provided the sewer line connected to its common STP with a pressure line

of 6 inches to which the answering respondent has connected the pressure line of 4 inches. The Respondent No. 1 technically cannot connect the pressure line of more than 4 inches to a 6 inches pressure line. However, the answering respondent many times visited the office of the Meerut development authority requesting them to replace the pressure line from 6 inch to 10 inch, but despite several requests of the Respondent No. 1, they have not replaced the pressure line till date.

Furthermore, the answering respondent submits that the sewer pump which is connected to the common STP is properly covered and the sewerage is not collected in the pit, because the sewerage pump which have been installed by the answering respondent are specially designed automatic pump which operates automatically when the certain sewerage or flow arrives at the sewerage point, so there is no point of overflowing of the sewerage at any point of time. The joint inspection committee also found & verified the same at the site and found it working satisfactorily.

**The Photographs of the sewerage point are annexed herewith and marked as ANNEXURE A/1.**

- 2.2. That with regard to Observation No. 2 made by the joint committee, the answering respondent humbly submits that the construction/ development work of the drain has been done completely. The entire society is well connected with the sewerage lines/ drainage system.

**The Photographs showing the sewerage lines/ drain lines constructed in the society are annexed herewith and marked as ANNEXURE A/2.**

- 2.3. That with regard to Observation No. 3 made by the joint committee, the answering respondent humbly submits that all the internal roads of the society have been constructed completely. Every year & when needed, the repair work & the patch work is also being done by the answering respondent. Moreover, the answering respondent has also maintained greenery on both sides of the internal roads in the society. The answering respondent has always ensured a quality of life to the residents of the society.

**The Photographs of the internal roads of the society are annexed herewith and marked as ANNEXURE A/3.**

- 2.4. That with regard to Observation No. 4 made by the joint committee, the answering respondent humbly submits that the private sweepers collect the garbage door to door from every house of the society every day. The garbage of the society is then collected at a cornered site in a scientific manner, covered with a tin shed, from where the Municipal corporation trucks come and collect the garbage on a daily basis routine. The residents of the society pay the house tax every year against which the Municipal Corporation serves its duty and come to the society on a daily basis to collect the garbage. The same can also be verified with the Meerut Municipal Corporation. The society is kept absolutely clean and hygienic in every possible manner.
- 2.5. That with regard to Observation No. 5 made by the joint committee, the answering respondent humbly submits that gate situated at the 18 m approach road, at the back side of the Godwin hotel, was temporarily closed due to the security

reasons of the residents only. The society has a main entry and exit gate on the main bypass road which is fully secured with guards and barricades. The back door was closed keeping the view the safety of the residents only. The back door of the society serves no purpose when open but however it is now opened in compliance of the Honourable NGT orders.

**The photographs showing the opened back gate of the society are annexed herewith and marked as ANNEXURE A/4.**

- 2.6. That the answering respondent humbly submits that the answering respondent has many times approached the Meerut Municipal Corporation for taking over the colony, but despite several visits and requests, the Meerut Municipal Corporation is neither responding and nor taking over the society for the reasons best known to them only. The answering respondent is ready & willing to transfer the society to the Meerut Municipal Corporation as and whenever asked by them.

11

3. PRAYER

In view of the above, circumstances and facts of the case may graciously be pleased to:

- a. Dismiss the present application and impose heavy and exemplary cost on the applicant for filing a vague and false application against the Respondent No. 1.
- b. Pass any further order(s)/direction(s) as the Court may deem fit and necessary in the interest of justice.

Through

Filed on 03/01/2023  
New Delhi

*Mansi*  
S.A.ZAIDI & MANSI CHAHAL  
(Counsels for the Respondent No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL  
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O.A. NO. 492 OF 2022

IN THE MATTER OF

M/S GREEN WOOD CITY VILLA JAN WELFARE SOCIETY &  
ANR. ...APPLICANT

VERSUS

GODWIN CONSTRUCTION COMPANY PVT. LTD. & ORS  
...RESPONDENTS

AFFIDAVIT

I, Jitnder Singh Bajwa, Director of Godwin Construction Pvt. Ltd. At  
Godwin Hotel, Bypass Road, Meerut, U.P, presently at Delhi do here by  
solemnly affirm and declare as under:-

1. That I am the Respondent No. 1 in the above noted case therefore I  
am fully conversant with the fact of the case I am competent to  
sign and swear this Affidavit.
2. That the accompanying Counter Affidavit/Reply has been drafted  
by my counsel and the same has been read over and explain to me  
and I say and declare that the same are true and correct.



3. That the content of accompanying Counter Affidavit/Reply be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

  
DEPONENT

**VERIFICATION**

Verified at Delhi on this 3 day of <sup>DEC</sup> 2022, 2022 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from:



  
DEPONENT

**ATTESTED**  
*LSR*  
Notary Public, Delhi  
Govt. of India

31 DEC 2022

**ANNEXURE A/1 (14)**

**PHOTOGRAPHS OF SEWERAGE POINT**



**ANNEXURE A/2 (15)**

**PHOTOGRAPHS OF SEWERAGE LINES/DRAIN LINES**



**ANNEXURE A/3 (16)**

**PHOTOGRAPHS OF INTERNAL ROADS OF THE SOCIETY**



**(17)**



**ANNEXURE A/4 (18)**

**PHOTOGRAPHS SHOWING THE OPENED BACK GATE OF THE SOCIETY**



# VAKALATNAMA

19

IN THE COURT OF National Green Tribunal, New Delhi  
O.P. No. 492 of 2022

Green wood city villa Jaw Welfare Piff./Petition/Appellant  
Versus Society & Anr.

Godwin Construction Company Pvt. Ltd & Ors. Defdt./Respds.

Know all to whom these presents shall come that I/we Jitender Singh Bajwa, Director

of Godwin Construction Company Pvt. Ltd. the above-named Respondent 1 do hereby appoint,

**SHARIQ ABBAS ZAIDI, MANSI CHAHAL**  
**ADVOCATE**

Chamber No. 7, Trishul Tower (infront of Pacific)

Kaushambi, Ghaziabad (U.P.)

Tel : 9868369914, 0120-4115171

E-mail : info@sazaidiassociates.com

Website : www.sazaidiassociates.com



(hereinafter called the Advocates) to be my/our Advocate in the above-noted case and authorise him / her:-

To act appear and plead in the above-noted case in the Court, or in any other Courts in which same may be tried or heard and also in the appellate Courts.

To sign, file and present pleading, appeals, Cross-objections or petitions of execution, review, revision, restoration, withdrawal, Compromise or other petitions, replies, objections, or Affidavits or other documents as may be deemed necessary or proper for the prosecutions of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case, or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said cause.

To take out execution proceedings.

To deposit draw and receive moneys and grant, receipts there for and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other Legal Practitioner authorising him/her to exercise the power and authorities hereby conferred upon the advocate whenever they may think fit to do so.

And I/We, the undersigned to hereby agree ratify and confirm all acts done by the Advocate or his substitute in the matter as my /our own acts, as if done by me/us to all intents and purposes

And I/We, undertake that I/we or my/our duly authorised agent would appear in the Court on all hearings.

And I/we the undersigned, do hereby agree not to hold the advocate or his substitute responsible for the result of the said cause in consequence of their absence from the court when the said cause is called up for hearing, or for any negligence of the said Advocate or his substitute.

And I/We, the undersigned, do hereby agree that in the event of the whole or any part of the fee agreed by me / us to be paid to the Advocate remaining unpaid they shall be entitled to withdraw from the prosecution of the said cause until the same is paid up. If any costs are allowed from an adjournment, the Advocate would be entitled to the same.

In witness where of I/We hereon to set my/our hand to these presents the, contents of which have been understood by me/us this 3rd day of January, 2022

Mansu  
Accepted



[Signature]  
Client