

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 28/2021

IN

ORIGINAL APPLICATION NO.144 OF 2017

IN THE MATTER OF :

K.P.Singh&Ors.

...APPLICANT

VERSUS

U.P. Pollution Control

Board & ORS.

..... RESPONDENTS

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THROUGH

Filed on 10/02/22

Raman Yadav

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Adv

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**COMPLIANCE REPORT WITH AFFIDAVIT ON BEHALF OF
RESPONDENT GHAZIABAD NAGAR NIGAM.**

1. It is most respectfully submitted that the present application was listed for consideration on 18.10.2021 wherein this Hon'ble Tribunal was pleased to pass certain directions. The relevant extract of the order passed by this Hon'ble Tribunal is reproduced herein below for the ready reference and kind perusal of this Hon'ble Tribunal:

"6- In view of the above, the Commissioner, Nagar Nigam Ghaziabad may ensure further action in the matter of compliance of above directions for preventing discharge of untreated sewage and dumping of waste in water bodies in violation of law and right of the citizens and also for action against the erring officers by way of entries in ACRs, initiating prosecution and payment of compensation. Status of connectivity of household/community latrines to the sewer lines, instead of storm water drain in question at Prahaladghari and other similar locations and remedial measures may be mentioned. Interdepartmental issue for preventing cross contamination of storm water drain and sewer lines may be resolved in coordination with the District Magistrate. Catchment of storm water drain may be demarcated as per law and monitoring mechanism for ensuring that septic tanks or digested material of pits attached latrines is connected to the sewer lines be reviewed. Manual scavenging, if any, be discontinued.

7- Compliance report may be filed within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The Commissioner, Nagar Nigam Ghaziabad may remain in person by

video conferencing on the next date. List for further consideration on 17.02.2022.

2. In compliance to the aforesaid order dated 18.10.2021 the following compliance has been made by the Nagar Nigam:
 - i. In compliance to the aforesaid order for the construction of RCC on the drain storm water drain from Prahaladgarhi to Vaishalli Canal, the amount of Rs. 6.33 Crores was sanctioned on 13.11.2019 as per the 14th Finance Commission. The work of discharging the water in the aforesaid area can only be done after preparing DPR as per the data of catchment area and rain fall, but the resources are not available with the Nagar Nigam. Therefore, for completing the aforesaid work the permission has been granted to Construction and Design Service U.P. Jal Nigam.
 - ii. The payment of Rs. 4 Crore has been sanctioned to Construction and Design Service U.P. Jal Nigam after deposit of utility certificate.
 - iii. In the aforesaid work the construction of drain from Nord No. 16A to Nord No. 1Z, from 03 to Nord No. 0

and from Nord No. 94 to 86 and Nord No. 59 A to 77 has already been completed.

- iv. It has been informed by Construction and Design Service U.P. Jal Nigam that the construction of drain from Nord No. 85 to 02 the work is obstructed because of 140 MM PVC Line, the work can only be completed after shifting the PVC line from there.
- v. Water works department Ghaziabad Nagar Nigam has inspected the area of Prahaladgahi and has found that the sewer in Prahaladgarhi is fully in working condition. There is no overflow anywhere and there is no discharge of sewage water in the drain of Vaishali Sec. 16,17 and 18.
- vi. Further the Ghaziabad Nagar Nigam vide its letter No. 538/1/Nirman/2021-22 dated 28.12.2021 and letter No. 185/Nirman/2021-22 dated 19.01.2022 has directed the Project Manager of Construction and Design Service U.P. Jal Nigam Unit 31 to remove the obstruction i.e. water line in construction of storm water drain from Prahaladgahi to Vaishalli Canal at the Below Amount of the sanctioned amount. True copies

of letters dated 28.12.2021 and 19.01.2022 are annexed hereto and marked as **ANNEXURE R-1 (pg. 8 to 14)**).

- vii. That the construction and design services to vide letter date 25-01-2022 have conveyed that they are ready to work as per request of the municipal corporation from below amount.

In the light of above facts and circumstances the present compliance report has been preferred before this Hon'ble Tribunal.

THROUGH


(RAMAN YADAV)
ADVOCATE

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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AFFIDAVIT

I, Anil kumar Tyagi S/o Late sh. Gordhan Singh Tyagi aged about 59, working as Executive Engineer; Ghaziabad Nagar Nigam, District Ghaziabad, U.P presently at New Delhi do hereby state and declare on solemn affirm as under:

1. That I am authorized to swear the present affidavit on behalf of the Ghaziabad Nagar Nigam in the above mentioned application and I am conversant with the facts and circumstances of the case



as per the record and as such competent to swear this affidavit in my official capacity.

2. That I have read and understood the contents of the accompanying reply and say that the contents of the accompanied reply are true and correct to the best of my knowledge and belief. Neither any part of this affidavit is false and nor any material is concealed therefrom.

DEPONENT

VERIFICATION:

I, the above named deponent, verify that the contents of this affidavit are true to the best of my knowledge as per the official record, nothing material has been concealed there from.

Verified at New Delhi on this 09th day of Feb, 2022.

Identify the deponent who has signed the affidavit in my presence
A. N. Singh

09 FEB 2022

DEPONENT



09 FEB 2022

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Annexure - R 1

OFFICE OF THE CHIEF ENGINEER, GHAZIABAD
MUNICIPAL CORPORATION.

Letter No. 538/1/ Construction / 2021-22.

Date: 28.12.21

From:

The Executive Engineer,
Ghaziabad Municipal Corporation.

To,

The Project Manager,
Construction & Design Services Unit - 31,
Uttar Pradesh Jal Nigam,

Near: New Wave City, Gate No.01

Ghaziabad - 201002.

Sub: In connection with construction work of rain water
drainage canal from Prhaladgari to Vailshali Canal in
the area under Municipal Corporation of Ghaziabad.

Respected Sir,

In connection with the above subject matter, kindly take
trouble to go through the contents of Your Office Letter
No. 2221/ work - 44 / 50 dated 08.12.2021. In said
letter you have mentioned that in the proposed node No.

85 to 02 near to the pump house, as a pipeline is running, there are hurdles in construction work. In order to shift the 140 mm diameter PVC Line, the Municipal Corporation of Ghaziabad has given its approval at appropriate level. But, when the work related to shifting of the line at the work place was commenced, there instead of 140mm diameter PVC Line, in reality a 250 mm diameter C. I. Line was found to be running as a result of which the construction work of the canal is getting affected adversely. The expenditure related to line shifting as per estimate is not included in the estimation of the above line under question. You have sought permission / approval at competent level for granting and estimated expenditure of Rs. 31.84 Lakhs for the work related to shifting of the 250 mm diameter C. I. pipeline. You have requested to take further action in this regard as necessary.

In connection with the above, this is to appraise that through this Office Letter No. 1346/Work - 44/36 dated 13.08.2021 in the past, vide Letter No. 962 / Work - 44 /

19 dated 07.06.2021 it has been appraised that problem in construction work has arisen as in the proposed canal near to pump house from node 84 to O₂ as Pipeline existed due to which construction work was hindered so in order to shift the water pipeline, the related contract was invited by the work establishment and directed that the expenditure will be borne from the below amount of the contract. But said work being covered under the Order of Hon'ble NGT, through many phone calls you have been appraised that let the work be completed as early as possible, still you have not got the work completed until now as a result of which the Municipal Commissioner has been summoned by the NGT to be personally present on 17.02.2022. In this regard, already letter has been sent to you apprising the above facts, still you have not sent any Progress Report related to the same as a result of which the good reputation and image of this Municipal Corporation has been tarnished.

Therefore, in accordance with the above it is hereby requested to you that let the above work expenditure be met from below amount of contract and then let the action taken be appraised immediately.

Sd/-

Executive Engineer,

Municipal Corporation of Ghaziabad.

Copy to: The Chief Engineer, for his due information,
forwarded.

Sd/-

Executive Engineer,

Municipal Corporation of Ghaziabad.

Raman Yadav

/True Translated Copy/

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OFFICE OF THE CHIEF ENGINEER, GHAZIABAD
MUNICIPAL CORPORATION.

Letter No. 185 / Construction / 2021-22.

Date: 19.01.22

From:

The Chief Engineer,
Ghaziabad Municipal Corporation.

To,

The Project Manager,
Construction & Design Services Unit - 31,
Uttar Pradesh Jal Nigam,
Near: New Wave City, Gate No.01
Ghaziabad - 201002.

Sub: In connection with the rain water drainage canal
construction from Prahladgarhi to Vaishali Canal
under the Municipal Corporation of Ghaziabad
Administrative Area.

Respected Sir,

Kindly take trouble to go through the context of the Letter
No. 538 / 1 / Construction / 2021 - 22 dated 28.12.2021
sent to you by this office in the Past in connection with the

above subject matter, through which correspondence was indulged in with you were directed to complete the work related to construction of damaged pipeline which suffered damage in the Course of construction of rain water drainage canal from Prahladgadi to Vaishali Canal by making use of the below amount of the construction contract work and were also directed to appraise the Action Taken Report to this Ghaziabad Municipal Corporation. But, you did not get the work of shifting the water pipeline as well as construction of the canal has not been completed by you which is really a regretful matter as a result of which the reputation of this Corporation is at stake and the related area residents are filing their applications regarding their grievances in this regard to the Hon'ble National Green Tribunal again and again.

In the light of the above, the Hon'ble National Green Tribunal has taken cognizance of the above dispute matter and by directing the Municipal Commissioner to redress the matter by himself personally has directed him to be

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present before the Tribunal on date 17.02.2022 and in this regard you have been already appraised twice by sending two letters, still you have not appraised this office regarding the completion of the above mentioned work related to the damaged pipeline as well as the above mentioned shifting work. Therefore, you are once again reminded hereby to appraise the relevant details in connection with the above so that the undersigned may file a counter affidavit before the Hon'ble Green Tribunal in the name of Municipal Commissioner.

Sd/- 19.01.22

Chief Engineer,
Ghaziabad Municipal Corporation.

Copy to: Shri Anil Kumar Tyagi, Executive Engineer,
Vasundhara Zone, for taking necessary action.

Raman Yadav

Chief Engineer,
Ghaziabad Municipal Corporation.

/True Translated Copy/

Before the Hon'ble National Green Tribunal
IN THE COURT OF Principal Bench New Delhi.

IN THE MATTER OF Execution Application No. 28/21
K. P. Singh & Ors. O.A. No. 144 of 2017
Plaintiff/ Appellant/ Petitioner/Complainant

U.P. Pollution Control Board VERSUS Defendant /Respondent/ Opposite Party
Ors.

KNOW ALL TO whom these presents shall come that I/We Gokulnagar Nigam,
the above-named Raman Yadav Adv do hereby appoint

(Hereinafter called the advocates) to be my/our Advocate(s) in the above- noted cause, to do all the following acts, deeds and things or any of them, that is to say. -

1. To act, appear and plead in the above-noted cause on my/our behalf, in this Court or in any other Court/ Tribunal in which the same may be tried or heard and also in the Appellate Court subject to payment of fees separately for each Court by me/us
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said cause in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party
4. To withdraw or compromise the said case or submit to arbitration-any differences or disputes that may arise, touching or any manner relating to the said case.
5. To take execution proceedings
6. To deposit, draw and receive money, cheques, cash and grant receipt thereof and to do all other acts and things which may be necessary to done for the progress and in the course of the prosecution of the said case
7. To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whatever he may think fit to do so and to sign the power of attorney on our behalf

AND I/we the undersigned do hereby agree to 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 authorized agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called.

AND I/we undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The adjournment & other costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

AND I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid

IN WITNESS WHEREOF I/we do here unto set my/our hand these presents the contents of which have been understood by me/us on this date -

Accepted subject to the terms of the fees

Raman Yadav
UP3453/09
Advocate(s)
Date 10/02/22

अपर नगर निगम
प्रतिवादी (स) निगम

