

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 04 OF 2025****IN THE MATTER:**

SUSHIL RAGHAV

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

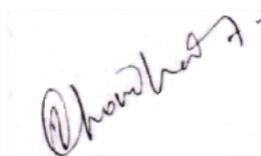
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Through



RAHUL CHOUDHARY**SHREEPURNA DASGUPTA**

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PLACE: NEW DELHI**DATE: 27.05.2025**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 04 OF 2025****IN THE MATTER:**

SUSHIL RAGHAV

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

RESPONSE TO THE JOINT COMMITTEE REPORT DATED 20.02.2025**ON BEHALF OF THE APPLICANT ALONGWITH AFFIDAVIT**

1. That the present Original Application has been filed under Section 14, 15 and 20 of the National Green Tribunal Act, 2010 raising substantial questions related to the environment arising out of the illegal construction activities undertaken by different authorities and local residents on multiple lands earmarked as 'Park' in the layout map of Site IV, Sahibabad, Ghaziabad prepared by Uttar Pradesh State Industrial Development Authority (UPSIDA).
2. That vide order dated 10.01.2025, this Hon'ble Tribunal directed the formation of a Joint Committee comprising District Magistrate, Ghaziabad and Uttar Pradesh Pollution Control Board, and the Joint Committee was directed to visit the site, collect relevant information and submit a detailed factual report. The relevant portion of the order dated 10.01.2025 is reproduced below:

"5. Further in order to have current status and factual position of the park, we constitute a joint Committee comprising District Magistrate, Ghaziabad and Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UP PCB').

6. The District Magistrate, Ghaziabad shall be the nodal authority.

The

7. said Committee shall visit the site, collect relevant information and submit a detailed factual report atleast three days before the next date of hearing."

3. That in compliance of the direction of this Hon'ble Tribunal, the Joint Committee filed its report on 20.02.2025. The Applicant is making submissions in the following paragraphs about the findings and observations in the Report.

RESPONSE TO THE JOINT COMMITTEE REPORT DATED

20.02.2025:

a. Park and Open Space cannot be utilized for the purpose of construction

4. That the Joint Committee in its Report has incorrectly mentioned six of the total parcels of land, whereas the Applicant contends that at least 4 such parcels of land are marked as 'Park'. Nevertheless, it is submitted that the Hon'ble Supreme Court in ***Anjuman E Shiate Ali & Anr. v. Gulmohar Area Societies Welfare Group & Ors. [(2020) 20 SCC 698]*** vide order dated 17.04.2020 had held that:

"22. As rightly held by the High Court, we are also of the view that the two plots, which are shown as open spaces/garden, in the approved layout, cannot be allowed to be used for the purpose of construction. ...

....

*25. It is also to be noticed that the open spaces are required to be left for an approval of layout or for the purpose of creating lung space for the owners of other plots where constructions are permitted. The 4 plots bearing Nos. 1, 3, 5 and 6, were sub-divided at the instance of the appellant Society in its entirety and approval was taken for dividing such land into 61 plots. It is not open to claim for construction in the two plots which are reserved for open spaces/garden spaces also. **It is fairly well-settled that in an approved layout, the open spaces which are left, are to be continued in that manner alone and no construction can be permitted in such open spaces.** The Development*

Plan which was submitted in the year 1999, as per the 1991 DCR, will not divest the utility of certain plots which are reserved for open spaces in the approved layout. The appellants cannot plead that such a layout was only temporary and as a stopgap arrangement, the said two plots were shown as open spaces/garden and now they be permitted to use for construction."

5. That further, the Hon'ble High Court of Allahabad in ***Ram Bhajan Singh v. State of Uttar Pradesh & Ors., W.P. No. 15691 of 2020 [2020 SCC OnLine All 2634]*** vide order dated 14.10.2020 had held that:

*"21. Public interest requires some areas to be preserved by means of open spaces of parks and play grounds, and that there cannot be any change or action contrary to legislative intent, as that would be an abuse of statutory powers vested in the authorities. **Once the area had been reserved, authorities are bound to take steps to preserve it in that method and manner only. These spaces are meant for the common man, and there is a duty cast upon the authorities to preserve such spaces.** Such matters are of great public concern and need to be taken care off in the development scheme. The public interest requires not only reservation but also preservation of such parks and open spaces. **In our opinion, such spaces cannot be permitted, by an action or inaction or otherwise, to be converted for some other purpose, and no development contrary to plan can be permitted.***

22. The importance of open spaces for parks and play grounds is of universal recognition, and reservation for such places in development scheme is a legitimate exercise of statutory power, with the rationale of protection of the environment and of reducing ill effects of urbanization. It is in the public interest to avoid unnecessary conversion of 'open space land' to strictly urban uses, as gardens provide fresh air, thereby protecting against the resultant impacts of urbanization, such as pollution etc. Once such a scheme had been prepared in accordance with the provisions of the Act, by inaction, legislative intent could not be permitted to become a statutory mockery. Government authorities and officers are bound to preserve it and to take all steps envisaged for protection."

b. The map relied on by the Joint Committee stands revised in 2003:

6. That the Joint Committee, in its report has relied on a map of 1976 for the purpose of identifying the parks and open spaces annexed at Annexure A-4, Pg 121 of the Report. This map of 1976 is the original map and was later on revised in the year 2003 (the same has been annexed by the Applicant at Annexure A-2, Pg 44 of the Original Application).

A proper copy of the UPSIDA Map for Site IV, Sahibabad is annexed herewith as **ANNEXURE A-1.**

7. It is submitted that the map annexed by the Joint Committee does not give a complete picture of all the 8 parks/open spaces mentioned by the Applicant based on the revised UPSIDA layout map of 2003. Following is the table showing the finding of the Joint Committee regarding status of land earmarked in the UPSIDA layout map of 1976 and the 2003 revised map showing the status of such land:

S.No.	Park land mentioned in the Original Application	Status of land as per the Joint Committee relying upon UPSIDA layout map of 1976	Status of land as per the Applicant relying upon the revised UPSIDA layout map of 2003
a	Land earmarked as 'Park' situated at 'A' block, right side of plot No. A-46, north side of Central Electronic Limited (CEL), behind plot No. C-18, D-16/1, D-16, D-17, D-18, D-19, D-20 and near Jhandapur village at Site IV industrial area Sahibabad, Ghaziabad bearing khasra numbers 77, 92, 94, 95, 96, 97, 98, 99, 101,102 and 103 admeasuring 5.845 acres. This park is commonly	Open Space	Park

	known as 'Jhandapur Park' or 'CEL Park'		
b	Land earmarked as 'Park' situated at Site IV industrial area just opposite to Karkarmodel village bearing Khasra No.270, 271 260, 261, 263, 259, 255, 771 and 772 of Karkarmodel area surrounded by industries at plot No. 18/43, 44, 45, E-1, 2, 3, 4, 5, 6, 7 and opposite to Atlas Cycles Pvt Ltd on Solar Road admeasuring 2.787 acres	Open Space	Park
c	Land earmarked as 'Park' near Bharat Electronics Ltd. on the right, and 'village abadi' on the left, near Plot No. M5-6 bearing Khasra number 391, 392, 393, 394, 401, 402, 403, 519 and 522 of Maharajpur village admeasuring 1.236 acres	Open Space	Park
d	Land earmarked as 'Park' located near 24 Electric Sub-Station, adjacent to Shed No. 19 and opposite to Maharapur Gravyard bearing Khasra No.71, 70, 59, 69 of village Makanpur	Not mentioned by the Joint Committee	Nothing mentioned
e	Land earmarked as 'Park' surrounded by Plot No.s 1-A, 4A/12 to 4A/14 and Plot Nos. 7,8,9,10 and 12 13 14 bearing khasra number 821, 823, and 820 of Karkarmodel village area admeasuring approximately 3000 square meters	Park	Nothing mentioned
f	Land earmarked as 'Park' adjacent to Plot No. 29B and 30B, and surrounded by 'Old Abadi' opposite to Sahibabad village bearing khasra No.532, 401	Open Space	Park
g	Land earmarked as 'Park' adjacent to Plot No. 24A to 26A bearing Khasra No.s 436, 440, and 441 of Sahibabad village and commonly known as Sahibabad village park	Open Space	Nothing mentioned
h	Land earmarked as 'Park' near Plot No. 3A/3 and surrounded by 'Abadi' and the plot No. 59/2/1	Not mentioned in layout map	Nothing mentioned (The Joint Committee

i	Plot No. 59/2/1 surrounded by Abadi	Open Space	<i>wrongly considered both the lands as separate whereas Applicant has stated both to be on one land only)</i>
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8. That the statement made in Para 8 of the Joint Committee Report (Pg 108) mentioning few of the parcels of land as open space is incorrect, in view of the old map of 1976. However, it is pertinent to note that the open space is also considered a park and no encroachment is permitted, and has to be only used for open space, recreation, air or light.

9. It is submitted that the Applicant received the map from the Uttar Pradesh Pollution Control Board in its Reply dated 23.08.2014 before this Hon'ble Tribunal in **O.A No. 16 of 2014** titled ***Shri Hazi Arif, President Rashtrya Kishan Brigade v. State of UP & Ors.*** That the UPPCB had then annexed the revised map of 2003 as Annexure 2 in its Reply, by way of which the Applicant herein has taken assistance of the concerned map.

A copy of the Reply dated 23.08.2014 filed by the UPPCB before this Hon'ble Tribunal in O.A No. 16 of 2014 titled *Shri Hazi Arif, President Rashtrya Kishan Brigade v. State of UP & Ors.* is annexed herewith as **ANNEXURE A-2.**

10. That hence, the map relied on by the Joint Committee ought not be considered as the same was revised in 2003. It is submitted that the Joint Committee has hence, incorrectly mentioned 6 parcels of land out of total 8 parcels of land at Sr. No. a,b,c,f,g,i, in the above-mentioned table to be shown as 'Open Space'. However, as per the 2003 revised map relied on by the Applicant show that at Sr. a,b,c,f as 'park' land.

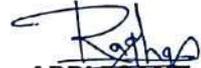
11. That the Applicant further states that the UPSIDA ought to verify the parcels of land relied upon by the Applicant based on the 2003 UPSIDA layout map for Site IV, Sahibabad, Ghaziabad.
12. That the Applicant further submits the latest map obtained from the UPSIDA website which is the digitized version of the map produced by the Applicant, and the same can be obtained from here:
https://onlineupsida.com/pdf/GHAZIABAD/SITE-4_SAHIBABAD-Model.pdf

A copy of the digitalized map of UPSIDA layout plan for Site IV, Ghaziabad is annexed herewith as **ANNEXURE A-3.**

c. Joint Committee has concurred with the Applicant regarding encroachment on parks/open spaces:

13. That the Applicant submits that the Joint Committee has themselves recorded that the park/open spaces mentioned by the Applicant have been encroached upon.
14. That as per Annexure A-5, Pg 122 of the Joint Committee Report, the third column shows the encroachments on the land as mentioned by the Applicant in the Original Application. Such finding clearly shows that the parcels of the land mentioned by the Applicant have been encroached upon, which is in violation of the Hon'ble Tribunal's direction in ***Residents Welfare Association v. State of Haryana [2019 SCC OnLine NGT 2797]*** and the Hon'ble Supreme Court's direction in ***Bangalore Medical Trust v. B.S Muddappa [(1991) 4 SCC 54]***.
15. That therefore, this Hon'ble Tribunal may consider the above-mentioned submissions on behalf of the Applicant for further adjudication of the matter.

- 16) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.


APPLICANT

THROUGH





RAHUL CHOUDHARYSHREEPURNA DASGUPTA

ADVOCATES

COUNSELS FOR THE APPLICANT

N-73, LOWER GROUND FLOOR,

GREATER KAILASH-I,

NEW DELHI-110048

MOBILE NO: 9312407881

Email:- Litigation@dclawchambers.com

Place: New Delhi

Date: 26.05.2025

VERIFICATION:

Verified by Sushil Raghav, s/o Shri Ratan Singh, aged about 39 years, R/o 226, Karkar Model Post, Sahibabad, Site-4, Ghaziabad that the contents of Paragraphs 1 to 16 are true to my personal knowledge and nothing material has been concealed therefrom.


APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 4 OF 2025

IN THE MATTER OF:

SUSHIL RAGHAV ... APPLICANT

VERSUS

STATE OF UTTAR PRADESH& ORS. ... RESPONDENTS



AFFIDAVIT

I, Sushil Raghav, s/o Shri Ratan Singh, aged about 39 years, R/o 226, Karkar Model Post, Sahibabad, Site-4, Ghaziabad, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Response are true and correct and nothing material has been concealed therefrom.

Raghu
DEPONENT

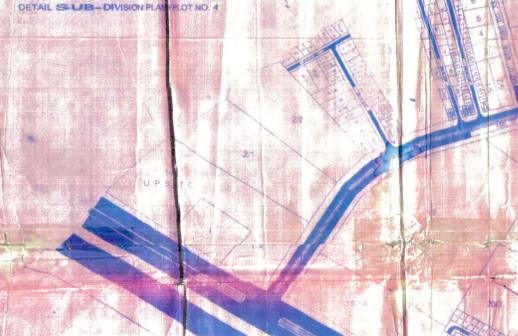
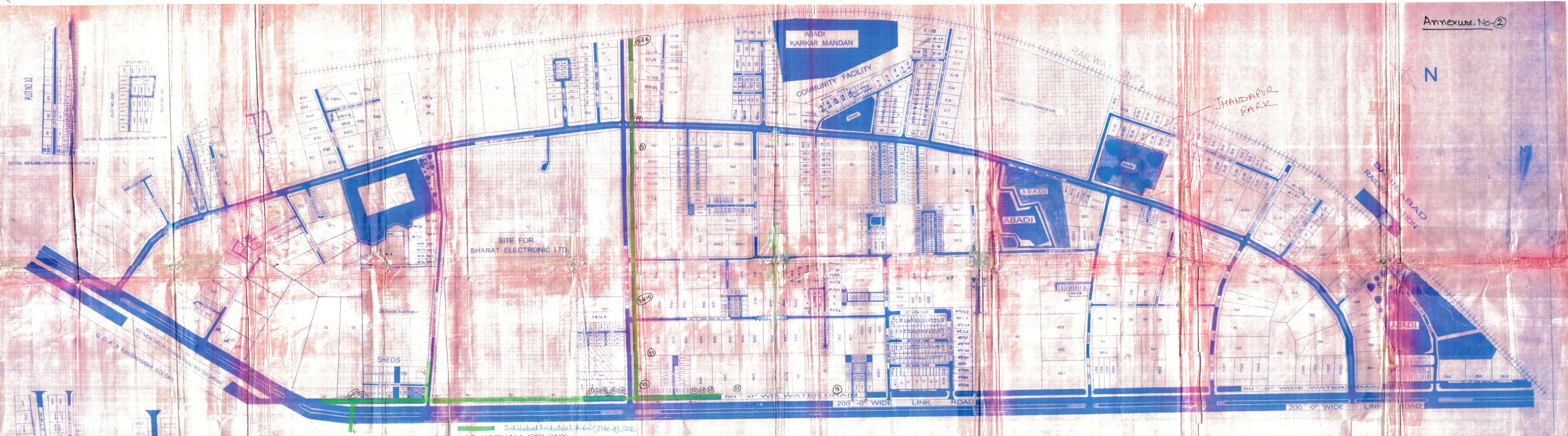
VERIFICATION

Verified on this ____ day of _____, 2025 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



Raghu
DEPONENT

ATTESTED 19/5/2025
 No. 2 Dated
 Certified that Documents Affidavits Shri Sushil Raghav
 Verified By Shri P.K. Sharma
 P.K. SHARMA
 Advocate
 Notary Ghaziabad
 GOVT. OF INDIA
 19/05/2025



LEGEND

Location No.	Particulars
5 & 6	Sahibabad Drain Before Sahibabad Industrial Area Site-IV at Railway Line.
7	Sahibabad Drain No. 1 at Karkar Police Chowki, near Railway Road Bridge.
8	Sahibabad Drain at Plot No. 60/1 (Construction work for covering of Drain presently stopped)
9 & 10	Covering of Sahibabad drain in front of M/s V.R.S. Foods.
11	Bar Screen installed for the cleaning of floating material into Sahibabad drain before covering by Country Inn, SHD.
12	Covering of Sahibabad drain in front of Country Inn Hotel, Sahibabad.
13	Covering of Sahibabad drain in front of EURO PARK
14	Covering of Sahibabad drain in front of a/ Home
15	Covering of Sahibabad drain in front of BIKANERVALA
16	Covering of Sahibabad drain in front of MIRAGE MARBLE
17	Covering of Sahibabad drain in front of Jain Market Centre
18	Covering of Sahibabad Drain in front of Shiva Scooter
19	Covering of Sahibabad Drain in front of M/s Bhushan Steel Ltd., 23, Site-4, Sahibabad.
20 & 21	Covering of Sahibabad Drain after M/s Bhushan Steel Ltd., 23, Site-4, Sahibabad.
22	Covering of Sahibabad Drain in front of Galactic Mall
23	Covering of Sahibabad Drain in front of Stone India
24	Covering of Sahibabad Drain in front of Prime Motors
25	Covering of Sahibabad Drain in front of Urmill Motors
26	Covering of Sahibabad Drain in front of Sahib Motors

LAY OUT PLAN OF INDUSTRIAL AREA SITE 4, SHAHIBABAD GHAZIABAD. (U.P.)

AREA CHART

	(IN ACRES)
TOTAL AREA OF LAND	1445.17
AREA UNDER ROADS	148.44
AREA UNDER MOSQUE	33
AREA UNDER GRAVE YARD	2.90
AREA UNDER OPEN SPACE	148.24
AREA UNDER COMMUNITY FACILITY	15.07
AREA UNDER PLOTS	1118.15

ARCHITECTURAL CELL

Upside

architecture home

DRAWING TITLE
LAYOUT PLAN

LEGEND ARCHITECTS
PROFESSIONAL ARCHITECTS
REGISTERED ARCHITECTS

DR. N. K. GUPTA
ARCHITECT

951360877

Annexure No-2

N

BEFORE THE NATIONAL GREEN TRIBUNAL: NEW DELHI

APPLICATION NO. 16 OF 2014

IN THE MATTER OF:
SHRI HAZI ARIF, PRESIDENT
RASHTRYA KISHAN BRIGADE

...PETITIONER

VERSUS

STATE OF U.P. & ORS.

...RESPONDENTS

REPLY ON BEHALF OF U.P. POLLUTION CONTROL BOARD TO THE
MAIN APPLICATION AS WELL AS M.A. NO. 102 OF 2014

I, Parasnath, S/o. late Shri Vishram, aged about 55 years, Regional Officer, U.P. Pollution Control Board, Regional Officer, Vasundra, Ghaziabad, U.P. at present at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I in the abovenoted capacity am well conversant with the facts and record of the present case, hence am competent to swear this affidavit
2. That I have read the original application as well as M.A. No. 102 of 2014 and have understood the same fully.
3. That before giving parawise reply it is necessary to bring the following facts to the notice of this Hon'ble Tribunal.
4. That as per UPSIDC map of Sahibabad Industrial Area and information provided by the Nagar Nigam, Ghaziabad, Sahibabad Drain No 1 seems that it is a man made drain.
5. That initially the area in question was agricultural land and the same was acquired by State of U.P. for U.P. State Industrial Development Corporation to establish an industrial area at Sahibabad.

6. That various colonies like Shalimar Garden, Pappu Colony, Rajiv Colony, DLF Colony, Rajender Nagar, Hindon Air Force colony, Pansonda and Bhopura villages were developed and the waste water discharge by these residential colonies were discharged into various small drains which ultimately meets the Sahibabad Drain No. 1 at G.T. Road, near Aradhana Cinema. This drain passes through Surya Nagar, Chandra Nagar the residential colonies developed by G.D.A. and after covering a distance of about 2 kms. in the industrial area it again enters a residential area Vaishali developed by GDA and from there it is tapped and the sewage is taken to STP of having capacity of 74 MLD constructed at Indira Puram. After treatment in the STP the treated water is discharged in Hindan River. However, it is further submitted that the capacity of the line carrying the treated sewage is less than the capacity of the line by which sewage is carried to the STP. As a result of which some quantity of untreated sewage is bypassed at the tapping point and thereafter the said drain meets the Shahdara Drain near Dharamshila Cancer Hospital in Vasundhara Enclave in Delhi. It is further submitted that Delhi Jal Board is constructing the Sewage Treatment Plant to treat the sewage of Shahdara Drain at Chilla near Noida. A true copy of sketch showing the course of Sahibabad Drain is being enclosed herewith and marked as Annexure-1.

7. That as per the layout of industrial area site-4 it is to be seen that there is no approach road to the various plots carved out in the said industrial area and for access to those plots one has to cross the Sahibabad drain No. 1. A true copy of layout plant of industrial area site 4 is being enclosed herewith and marked as Annexure-2.

8. That after establishment of the said industrial area Sahibabad Link Road Entrepreneurs Association has got made a report from their consultant and submitted the same to Nagar Nigam, Ghaziabad. The said report provides for covering of the drain in question. True copy of the said project report is being enclosed herewith and marked as Annexure-3.

9. That the Nagar Nigam sent the said report for advice to Shri A.K. Mathur, Professor Civil Engineering Department IIT Roorkee.

10. That the aforesaid Shri A.K. Mathur submitted his recommendation to the Nagar Nigam on 15.01.2008. The recommendation of Professor A.K. Mathur is being enclosed herewith and marked as Annexure-4.

11. That as per the provisions of U.P. Municipal Act, 1959 the responsibility of maintaining the drains is with the Nagar Nigam.

12. That Nagar Nigam Ghaziabad has taken a decision to allow the covering of the said drain by making two or three partitions in the drain according to the width of the drain at that point. It has leased out the area so covered to the plot holders with certain conditions to be complied with the plot holders. Various photographs of the drain including the area covered are being enclosed herewith and marked as Annexure-5.

13. That as per the assessment of the replying Board the drain in question carries approximately 60 to 65 MLD sewage which includes the treated effluent discharge by the industries. It is further submitted that as informed by the Nagar Nigam, Ghaziabad the carrying capacity of this drain is approximately 120 – 125 MLD. It is also submitted that carrying capacity of a drain depends upon the cross sectional area of drain and gradient of drain. Considering maximum effective depth of water 1 meter, cross sectional area of Sahibabad drain varies from 10 M^2 to 18 M^2 viewing this fact it seems that carrying capacity of Sahibabad drain is much higher. There is no instance of water logging in the past and there appears no apprehension for such an incident in future also.

14. That the merits and demerits of covered drain and open drain are as follows:-

Covered Drain

Merits:-

1. Odor problem does not exist.
2. From the aesthetic point of view covered drains are good.
3. If suitable internal passage holes are provided for drainage of storm water drain for rainy reason than the covered drains are good.

4. Covered drains are good, as it does not allow the MSW and wind driven dust and debris to deposit in the drain.

Demerits:-

1. If proper cleaning is not done and proper man-holes are not provided then anaerobic septic condition may develop.

Open Drain

Merits:-

1. Cleaning is possible through JCB in case of open big drains to maintain free flow.
2. It is possible to see the characteristics of the different drains meeting the main open drains at different locations.

Demerits:-

1. Odor problem exists.
2. MSW and wind driven dust and debris may deposit in the drain.
3. Drains if not cleaned regularly are aesthetically not good.
4. Open drains are accident prone if not barricaded properly.

In addition to above it is observed that Sahibabad Drain is Earthen Drain so there is possibilities for leachate of effluent submerged in Drain so it is advisable that the surface of Sahibabad Drain must be leachate proof. For controlling of MSW and floating Material screens must be provided at each inlet point and regular cleaning and maintenance of drain should be done by concerned authority/local body to maintain free flow of drain.

15. That it is respectfully submitted that maintenance and cleaning of the drain is the responsibility of Nagar Nigam, Ghaziabad and the replying Board has no role to place in respect of the same.

PARAWISE REPLY TO O.A. NO. 16 OF 2004

1. That para 1 and 2 of the O.A. need no comments.
2. That in reply to the contents of para 3 it is submitted that the same has to be replied by the concerned authorities and the Board has no role to play. However, it is submitted that if the base surface of the drain is made

of concrete there will be no chances of percolation of sewage into underground water. Besides this, the silt removal will also be easily possible.

REPLY TO FACTS

1. That the contents of Para 1 are denied for want of knowledge. The replying Board is not aware about the status of applicant.

2. That the contents of Para 2 does not relate to replying respondent.

3(A). That in reply to the contents of Para 3(a) it is submitted that the same are vague hence no reply is possible. The applicant has not given the details of any encroachment. Even otherwise it has to be replied by the authorities who are responsible for maintaining the drain.

(b) & (c) That the contents of Para 3(b) & (c) does not pertain to the replying Respondent.

(d) That in reply to the sub para it is submitted that Sahibabad Drain starts from GT road and before that point various small drains starting from Bhopur, Pansaunda, Hindon Air Force Colony, Shalimar Colony, Pappu colony etc. meets in the said drain. The said drain tapped at Vaishali to carry the sewage in STP at Indira Puram and after treatment the treated water is discharged into Hindon River. However as stated herein above the capacity of the line carrying treated water is less than the capacity of the line carrying sewage, hence some of the untreated sewage is bypassed at the tapping point and it meets finally in Shahdara drain near Dharamshila hospital. There is no incident of water logging due to the flow of the drain as alleged by the Petitioner to the knowledge of deponent.

(e) That regarding damage to the green belt it is submitted that it has to be replied by Nagar Nigam and GDA. The replying Respondent is not concerned about damage of green belt.

(f) That regarding covering of the drain the reply has already been submitted herein above by replying Respondent. The replying in this regard has to be given by the concerned authority. Regarding the covering

of PTC Moulding Pvt. Ltd. at Plot No. 54/18 Site-4 Sahibabad industrial area it is submitted that the waste water drain having a width of appx. 1 meter had been covered by the said industry by removable slabs and at present the said industry is lying closed. However, some other trading unit is being started at that plot. It is further submitted that no representation has been submitted by the Petitioner to the replying Board.

(g) That regarding Plot No. 61/1/4 the Board has already submitted the status report which will be relied upon at the time of hearing.

(h) That regarding the complaint to the local police the same is denied for want of knowledge as replying Board is not aware about the same. Similarly the representation made by the Applicant to forest department is also not in the knowledge of replying Board.

(i) That regarding the representation made by the Applicant to various authorities no comments can be given by the replying Board.

(j) That the grounds of challenge are argumentative in nature and the same will be replied at the time of hearing.

16. That the Board submits that if the drain is converted into a pucca box type drain, there will be no possibility for contamination of underground water or problem of foul smell. It will also protect the breeding of mosquitoes etc., however there should be proper opening from place to place for emission of the gases, arrangements be made for proper cleaning of the drain from time to time like desilting etc. and provisions for collection of storm water.

REPLY M.A. NO. 102 OF 2014.

1. That the contents of para 1 of the application are matter of record and nothing contrary to record is admitted.

2. That contents of Para 2 do not pertain to the replying Respondent.

3. That in reply to the contents of para 4 it is submitted that Nagar Nigam Ghaziabad is responsible for stopping the construction made by the plot holders. As the drain belongs to Nagar Nigam Ghaziabad.

4. That the Petitioner on receipt of the notice from this Hon'ble Tribunal has appeared on 24.02.2014 for the first time and immediately thereafter on 28.02.2014 got published a notice in the newspaper for wide publicity so that the order passed by this Hon'ble Tribunal be duly complied by all the concerned.

5. That the contents of para 5 are wrong hence denied. It is denied that the replying Respondent has violated the orders passed by this Hon'ble Tribunal what to say willful violation of the order.

6. That in reply to the contents of Para 4 it is submitted that the Parul Committee constituted by this Hon'ble Tribunal has not found any discharge of untreated industrial waste into the drain. Even otherwise the applicant has made vague allegations without giving any name or the place where such untreated effluent is being discharged into the drain. It is further submitted that if any instance of discharging of untreated industrial effluent comes to the knowledge of the replying board action is taken against the same as one of the industrial unit M/s. Krishna Pvt. Ltd., A-47, Site 4, Sahibabad which was found discharging untreated industrial effluent into the drain, has been closed down by order dated 06.08.2014 passed by the Board.

In view of aforesaid facts and circumstances the above reply on behalf of U.P. Pollution Control Board is being placed for consideration by this Hon'ble Court.

DEPONENT

VERIFICATION.

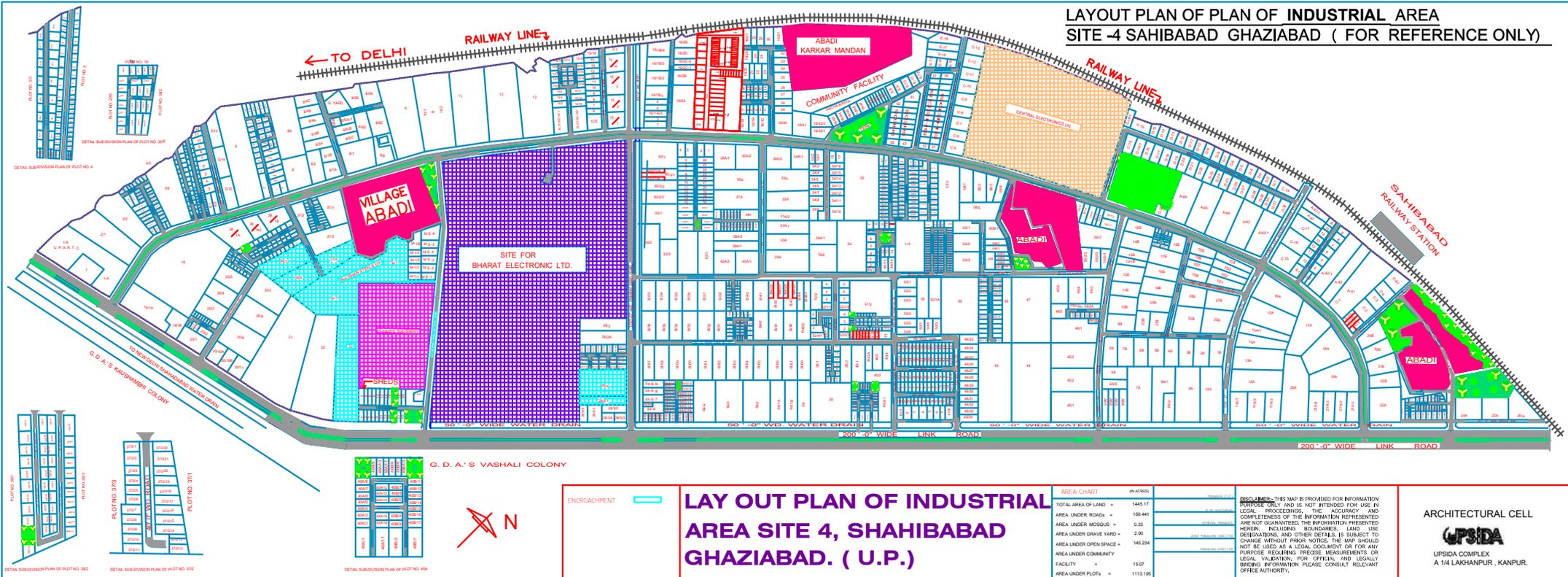
I, the abovenamed deponent do hereby verify that the contents of above affidavit are true to my knowledge derived from official record. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 23rd DAY OF AUGUST, 2014 AT NEW DELHI.

DEPONENT

Annexure A-3

LAYOUT PLAN OF PLAN OF INDUSTRIAL AREA SITE-4 SAHIBABAD GHAZIABAD (FOR REFERENCE ONLY)



LAY OUT PLAN OF INDUSTRIAL AREA SITE 4, SHAHIBABAD GHAZIABAD. (U.P.)

AREA CHART		(IN ACRES)
TOTAL AREA OF LAND	=	1445.57
AREA UNDER ROAD	=	168.44
AREA UNDER MOSQUE	=	0.33
AREA UNDER GRAVE YARD	=	2.30
AREA UNDER OPEN SPACE	=	146.234
FACILITY	=	15.07
AREA UNDER PLOTS	=	1113.195

DISCLAIMER: THIS MAP IS PROVIDED FOR INFORMATION PURPOSE ONLY AND IS NOT INTENDED FOR USE IN LEGAL PROCEEDINGS. THE ACCURACY AND COMPLETENESS OF THE INFORMATION REPRESENTED ARE NOT GUARANTEED. THE INFORMATION PRESENTED HEREIN, INCLUDING DESIGNATIONS, LAND USE DESIGNATIONS, AND OTHER DETAILS, IS SUBJECT TO CHANGE WITHOUT PRIOR NOTICE. THE MAP SHOULD NOT BE USED AS A LEGAL DOCUMENT OR FOR ANY PURPOSE REQUIRING PRECISE MEASUREMENTS OR LEGAL VALUATION. FOR OFFICIAL AND LEGALLY BINDING INFORMATION PLEASE CONSULT RELEVANT OFFICE AUTHORITY.

ARCHITECTURAL CELL
GPSIDA
 UPSIDA COMPLEX
 A 14 LAKHANPUR, KANPUR.



Litigation . <litigation@dclawchambers.com>

Copy of Response on behalf of the Applicant in OA No. 04 of 2025 Sushil Raghav Versus. State of Uttar Pradesh and Ors.

1 message

Litigation . <litigation@dclawchambers.com>

Mon, May 26, 2025 at 5:55 PM

To: bhanwar jadon <bhanwar09jadon@gmail.com>, sthaviasthana@gmail.com

Cc: Shreepurna Dasgupta <shreepurnadasgupta@proton.me>

Dear Sir/madam,

Please find attached-Copy of Response on behalf of the Applicant in OA No. 04 of 2025 Sushil Raghav Versus. State of Uttar Pradesh and Ors.

Thanks & Regards
Counsel for the Applicant

**Response on behalf of the Applicant.pdf**

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