

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 363 OF 2022

IN THE MATTER OF:

VIKRANT TONGAD & ANR.

...APPLICANTS

VERSUS

STATE OF UTTAR PRADESH & ORS

...RESPONDENTS

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Through,

*Ankur Goel*

*Saket Singh*

**ANKUR GOEL & SAKET SINGH**

ADVOCATES FOR THE RESPONDENT NO. 7

1268, Arun Vihar, Sector-37, Noida – 201301

Phone: +91-120-4329855, +91-9311261186

Email : ankurgoeladvocate@gmail.com

Place: Noida

Date: 21.11.2022

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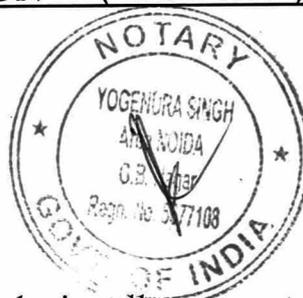
**VERSUS**

**STATE OF UTTAR PRADESH & ORS**

**...RESPONDENTS**

**SHORT REPLY OF RESPONDENT NO. 7, ARUN VIHAR  
RESIDENT WELFARE ASSOCIATION ("AVRWA")  
(ANSWERING RESPONDENT')**

**MOST RESPECTFULLY SHOWETH: -**



- At the outset, the Answering Respondent denies all averments and allegations raised by the Applicants in the instant Application under reply. Nothing, save and except those which are specifically admitted herein, should be deemed to be admitted by the Answering Respondent for want of a specific traverse. The Answering Respondent craves leave to file a detailed reply, if required or if directed by this Hon'ble Tribunal.

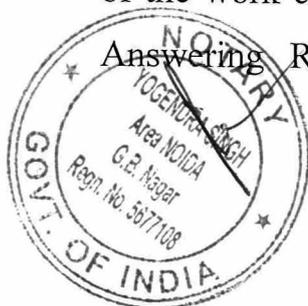
Vice Chairman  
ARUN VIHAR  
Residents Welfare Association  
NOIDA

*Kam he*

2. That the Answering Respondent has been wrongly arrayed as a respondent in the captioned matter solely on the basis of the allegation that the Answering Respondent has aided and abetted in the alleged violations/ contraventions. It is submitted that the name of the Answering Respondent is liable to be deleted as a respondent in the captioned matter.

**IN RE: THE ANSWERING RESPONENT HAS NO ROLE IN PLANNING AND/ OR EXECUTION OF THE WORK CARRIED OUT ON THE ROADSIDE AND ROAD BERMS**

3. That the Answering Respondent is a registered Resident Welfare Association for Sector – 28, 29 & 37, Noida under the name of Arun Vihar Resident Welfare (“AVRWA”). That the Answering Respondent is one of the oldest Resident Welfare Association in Noida.
4. That the Answering Respondent being a Resident Welfare Association in Noida is the end user of the work carried out by Noida Authority on the road sides/ side walk and road berm. It is pertinent to mention here that being the Resident Welfare Association, the Answering Respondent is only the end user of the work carried out by Noida Authority and as such the Answering Respondent herein has neither has any say



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ARUN VIHAR  
Residents Welfare Association  
NOIDA

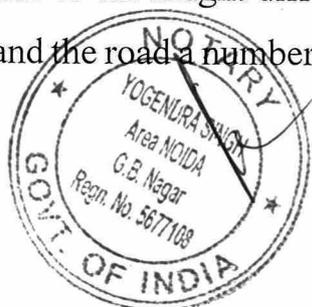
*Karim* ✓

whatsoever in the planning nor financing or execution of the work which is being done by the Noida Authority.

5. That, nevertheless, as an end user, it is the duty of the Answering Respondent to apprise this Hon'ble Tribunal of the benefits which the residents especially the children and senior citizens of the Answering Respondent have felt after the execution of the work on road sides/ sidewalk and road berm by the Noida Authority.

**IN RE: WORK ON ROAD SIDES/ SIDE WALK AND ROAD BERM HAS DECREASED THE DIFFICULTY AND ACCIDENTS OF RESIDENT ESPECIALLY CHILDRENS AND OLD AGE PEOPLE**

6. That the Answering Respondent is a very old residential colony wherein a very large number of senior citizens and super senior citizens reside. Periodic resurfacing of the roads in the colony caused increase in the height difference between the road side/ sidewalk and the roads so much so that the difference varied from 6" to 10". That due to increase in the difference between the road side/sidewalks and the roads the residents had to face a lot of difficulty especially during the rainy season as the same led to flooding and accidents causing injuries to the residents of the Answering Respondent. That due to the height difference between the road side/ side walk and the road a number of accidents have occurred in the colony



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ARUN VIHAR  
Residents Welfare Association  
NOIDA

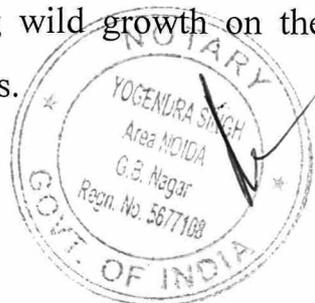
*Kavita K.*

wherein the residents had suffered injury especially the children and old age people.

- 7. That the work carried out by Noida Authority on the road side/ sidewalks and road berms have helped this old colony to level the height difference between roads and sidewalks which has helped in avoidance of accident as well as the waterlogging in the colony.

**IN RE: WORK ON SIDE WALKS AND ROAD BERMS HAS HELPED IN MITIGATING DUST POLLUTION AND HAS ALSO HELPED IN STOPPING WILD GROWTH IN THE RESIDENTIAL AREAS**

- 8. That poor air quality is no alien to the people of Delhi NCR including the residents of the Answering Respondent. That several factors are responsible for the poor air quality amongst which dust pollution polluting the air is one of the major factor. That the work carried out on the road side/ sidewalks and road berms has helped in mitigation of dust pollution and has also helped in stopping wild growth on the road side /sidewalks in residential areas.



**In the premise:**

It is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

Vice Chairman  
 ARUN VIHAR  
 Residents Welfare Association  
 NOIDA

*(Signature)*

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- (a) Delete the name of Respondent No. 7 from the array of Respondents in the instant Application.
- (b) Pass any other and further orders as this Hon'ble Tribunal may deem fit in facts and circumstances of present case.

*Kavin*

**RESPONDENT NO. 7**  
Vice Chairman  
**ARUN VIHAR**  
Residents Welfare Association  
**NOIDA**

Through,

*ankur goel*

*Saket Singh*

**ANKUR GOEL & SAKET SINGH**  
ADVOCATES FOR THE RESPONDENT NO. 7  
1268, Arun Vihar, Sector-37, Noida – 201301  
Phone: +91-120-4329855, +91-9311261186  
Email : ankurgoeladvocate@gmail.com

Place: Noida  
Date: 21.11.2022



**ATTESTED**

**YOGENDRA SINGH**  
NOTARY NOIDA  
G.B. Nagar (U.P.) INDIA

**19 NOV 2022**



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
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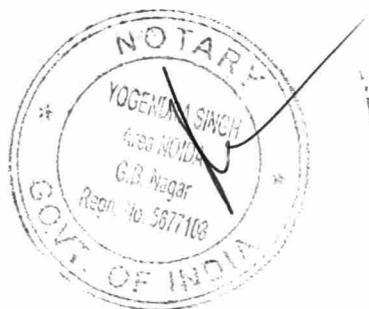
**STATE OF UTTAR PRADESH & ORS**

**...RESPONDENTS**

**AFFIDAVIT**

I, Kavita Jamil, Wife of Capt. Syed Muzassar Jamil, aged about 60 Years, Vice Chairman of Arun Vihar Resident Welfare Association, having office at 310-321, RWA Marg, Arun Vihar, Sector 37, Noida, presently at Noida, do hereby solemnly affirm and state as under:

1. That I am the Vice Chairman of the Arun Vihar Resident Welfare Association ("AVRWA") arrayed as Respondent No. 7 in the instant Application and as such in my official capacity I am well acquainted with the facts and circumstances of the present case and as such am competent to swear the instant affidavit.



*Kavita*  
Vice Chairman  
ARUN VIHAR  
Residents Welfare Association  
NOIDA

2. That the contents of the accompanying short reply be read as part & parcel of the present affidavit and the same are not repeated herein for the sake of brevity.
3. That the contents of accompanying short reply are true and correct of the best of my knowledge and belief and nothing material has been concealed there from.

*Kamlesh*

**DEPONENT**

**VERIFICATION**

I, Deponent hereinabove, do hereby verify and state that the contents of the above paragraphs of the Affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Verified at Noida on this 19<sup>th</sup> day of November, 2022.



**ATTESTED**  
**YOGENDRA SINGH**  
**NOTARY NOIDA**  
**G.B. Nagar (U.P.) INDIA**

**19 NOV 2022**

*Kamlesh*

**DEPONENT**

**Vice Chairman**  
**ARUN VIHAR**  
**Residents Welfare Association**  
**NOIDA**

**VAKALATNAMA**

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**...Respondents**

KNOW ALL to whom these presents shall come that I KAVITA JAMIL (VCP) of the above named Respondent No. 7 do hereby appoint Mr. Anil Goel, Mr. Ankur Goel & Mr. Saket Singh of

**RAMANIL ANKUR & ASSOCIATES**

**ADVOCATES**

1268, Arun Vihar, Sector-37, Noida-201301

Telephone: 0120 – 4329855, 09311261186

E-mail: [ramanilankurassociates@gmail.com](mailto:ramanilankurassociates@gmail.com)

[chamberankurgoel@gmail.com](mailto:chamberankurgoel@gmail.com)

[ankurgoeladvocate@gmail.com](mailto:ankurgoeladvocate@gmail.com)



Hereinafter called the Advocates to be my / our Advocates in the above-noted case and authorize them:

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

To sign, file and represent pleadings, 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 prosecution of the said case in all its stages.

To file and take back documents.

To withdraw or compromise the said case or submit of 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 receive moneys and grant receipt thereof and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said cause.

To appoint and instruct any other legal Practitioner authorizing him to exercise the powers and authority hereby conferred upon the Advocates whenever they may think fit to do so.

AND I / WE, the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or their 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 I / WE undersigned, do hereby agree not to hold the advocates or the substitute responsible for the result for 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 Advocates or their substitutes.

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 Advocates 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 for an adjournment, the Advocates would be entitled to the same.

IN WITNESS WHEREOF I / WE do hereunto set my / our hand to these presents the contents of which have been understood by me / us on this 25<sup>th</sup> day of August, 2022.

*Saket Singh*  
**SAKET SINGH**  
**ADVOCATE**  
Regn. No. D/6913/2015  
Mob.: 9649914305

*Ankur Goel*  
Advocates

*Anil K. Goel*



*Kavita Jamil*  
CLIENT  
**Vice Chairman**  
**ARUN VIHAR**  
**Residents Welfare Association**  
**NOIDA**