

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO.326/2023

IN THE MATTER OF:

RESIDENT WELFARE ASSOCIATION

(REGISTERED): SECTOR-72, NOIDA

UTTAR PRADESH

..... APPLICANT

VERSUS

UNION OF INDIA & OTHERS

..... RESPONDENTS

INDEX

Sl. No.	Particulars	Page No	C. Fee
1.	Short Reply/Counter Affidavit for and on behalf of Respondent No.3/ New Okhala Industrial Development Authority (NOIDA)	1-8	
2.	<u>ANNEXURE-R/1(Colly.)</u> Photographs showing laying of High Tension Distribution Line in the Green Belt Area of Sector-72, Noida.	9-15	
3.	<u>ANNEXURE-R/2</u> Copy of the Letter dated 06.07.2022.	16-	
4.	<u>ANNEXURE-R/3</u> Copy of the Letter dated 30.03.2023 written by the Resident Welfare	17-18	

	Association, Sector-72, Noida to the Answering Respondent.		
5.	<u>ANNEXURE-R/4</u> Copy of the Letter dated 24.04.2023 issued by the Answering Respondent.	19	
6.	Vakalatnama along with ID Proof	20-21	25+3
7.	Proof of Service	22	

RESPONDENT NO. 3

Through

Dated: 16.05.2023
New Delhi

CHAUDHARY LAW OFFICES

Advocates

K-2017, (L.G.F), Chittaranjan Park,
New Delhi – 110019

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**SHORT REPLY/COUNTER AFFIDAVIT FOR AND ON
BEHALF OF THE RESPONDENT NO.3/NEW OKHALA
INDUSTRIAL DEVELOPMENT AUTHORITY TO THE
ORIGINAL APPLICATION FILED BY THE APPLICANT**

I, Pankaj Tiwari, S/o- K. N. Tiwari, Aged about 32 years, working as
Manager, Electric & Mechanical Division-III, Sector-39, Noida, do
hereby solemnly affirm and state as under:

1. That I am working as Manager, Electric & Mechanical Division-III, in the office of New Okhla Industrial Development Authority (Hereinafter to be referred as "*Answering Respondent*") and as such in my official I am well acquainted with the facts and circumstances of the present case and therefore competent to swear the instant Affidavit.



2. I have read the contents of the Original Application (In short to be referred as '*Application*') and I say that the contents therein to the extent they are inconsistent with the submissions made hereinafter in this affidavit, are incorrect and as such denied. Unless any averment or contention is specifically admitted or traversed, the same may be treated as denied. The Answering Respondent is filing present Short Counter Affidavit due to paucity of time and as such shall file a comprehensive Counter Affidavit as and when directed by this Hon'ble Tribunal.
3. That the instant Application is bereft of any merit and the same has been filed by the Applicants for gaining cheap publicity and for securing their trivial interest and as such the same is liable to be dismissed with exemplary cost by this Hon'ble Tribunal qua the Authority. It is humbly submitted that filing of such frivolous Application before this Hon'ble Tribunal not only consumes the precious judicial time of this Hon'ble Tribunal but also hampers the development work being carried out by the Answering Respondent for the good of public at large.
4. That the Answering Respondent has always given the Environment and Ecology as top priority and as such has taken



several steps and further continuously taking steps in line with time to time directions passed by this Hon'ble Court for making NOIDA as more environment friendly.

5. That all the allegations made by the Applicant in the instant Original Application are wrong, incorrect, misconceived and misleading besides being vague in nature. It is submitted that no construction activity is being carried out by the Answering Respondent in the Green Belt Area of Sector 72, Noida as has been alleged in the Petition. It is humbly submitted that the Answering Respondent is only laying High Tension Electricity Distribution Line by manually digging at limited space and without harming any tree etc. in the Green Belt Area of Sector-72, Noida. It is further submitted such laying of HT Distribution Line by no stretch of imagination be termed as construction. Photographs showing laying of High Tension Distribution Line in the Green Belt Area of Sector-72, Noida is being annexed herewith and marked as ANNEXURE-R/1 (Colly.).

6. That no sewerage System is being constructed in the Green Belt Area of Sector 72 and the same has been alleged simply for prejudicing this Hon'ble Tribunal. It is submitted that although



4

the Applicant have annexed photographs with O.A. showing laying of High Tension Electricity Cable, however, interestingly no photographs showing carrying out of work related to Sewerage System has been put in place by the Applicant with Original Application simply because no construction of Sewerage System is going on in the said Green Belt.

7. That it is pertinent to mention here that the Answering Respondent received a Letter dated 06.07.2022 from the office of Executive Engineer, Electricity Urban Distribution Division-VII, 33/11 KV Sub Station, Sector-62C, Noida for construction of 33KV Feeder Line from 132KV Sub-Station, Sector 115, to 33/11 KV Sub-Station, Sector 53 Noida. It is further pertinent to mention here that in the said Letter dated 06.07.2022 it was stated that 33/11 KV Sub-Station, Sector 53 Noida is being run by making alternate arrangement i.e. by connecting the same from 33/11 KV Sub-Station, Sector 32 Noida, however, in summer season running 33/11 KV Sub-Station, Sector 53 Noida by making such alternate arrangement would not be possible due to heavy load for which the Noida Authority shall be solely

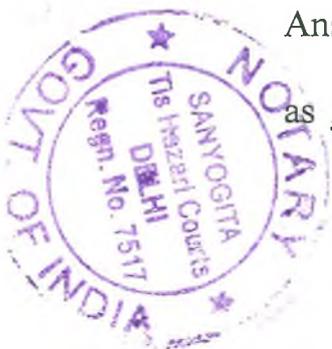


responsible. A Copy of the Letter dated 06.07.2022 is being annexed herewith and marked as ANNEXURE-R/2.

8. That thereafter the Answering Respondent floated a Tender for construction of 33KV Feeder Line from 132KV Sub-Station, Sector 115, to 33/11 KV Sub-Station, Sector 53 Noida in which M/s Al Qasim Associates was declared as successful Tenderer and as such work was awarded to the aforesaid work of construction of 33KV Feeder Line from 132KV Sub-Station, Sector 115, to 33/11 KV Sub-Station, Sector 53 Noida. It is pertinent to mention here that the date of start of work is 13.03.2023 and the date of completion of work is 08.09.2023. It is humbly submitted that the said Feeder Line also passing through the Green Belt Area of Sector 72, Noida.
9. That the Resident welfare Association, Sector 72, the Applicant herein vide its Letter dated 30.03.2023 addressed to Answering Respondent raised their grievance relating to laying down of High Tension Distribution Line in Green Belt Area. It is submitted that the Answering Respondent after receiving the said Letter dated 30.03.2023 conducted several round talks with the representatives of RWA, Sector-72, Noida. It is further

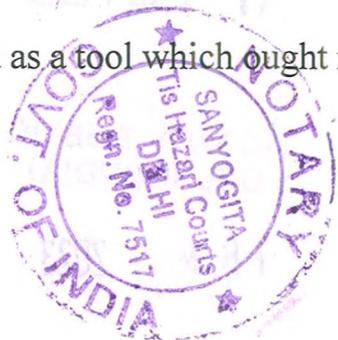


submitted that the in the said meeting the representatives of RWA raised the issue of damaging of trees of the Green Belt to which the Answering Respondent explained the method of laying down of Cable Line and also assured that not a single tree shall be harmed in the entire process. It is pertinent to mention that the Answering Respondent to the utter satisfaction of the Representative of the RWA, Sector 72 gave a written assurance vide Letter dated 24.04.2023 that the work shall be completed manually without harming trees and after laying down of cable line, the soil shall be filled and it would be restored back in its earlier position. It is humbly submitted that although in the meeting all the representatives were satisfied by the explanation and assurance given by the Answering Respondent, however, later on the RWA, Sector 72 due to its internal politics and for the purpose of arm-twisting the Answering Respondent have filed the present false and frivolous Application before this Hon'ble Tribunal. A copy Letter dated 30.03.2023 written by the Resident Welfare Association, Sector-72, Noida to the Answering Respondent is being annexed herewith and marked as ANNEXURE-R/3. A copy of the Letter dated 24.04.2023



issued by the Answering Respondent is being annexed herewith and marked as ANNEXURE-R/4.

10. That the instant work is being carried out by the Answering Respondent for the purpose of serving larger good and same ought not to be hampered for the trivial interest of Applicant.
11. That any delay or hindrance created in the execution of present work will not only cause huge loss to the public exchequer but also cause complete failure of power supply in the summer season which in fact is life line for the common people.
12. That laying down of the said cable beneath the earth is one of the best practice adopted world-wide which is having no chance of affecting human line and also having no chance of radiation.
13. That from the facts and circumstances narrated herein above it is apparent that there is no merit in the Original Application filed by the Applicant and the same has been filed by the Applicant for its own vested interest and for that Environment issue is being used as a tool which ought not to be permitted by Hon'ble Tribunal.



14. It is, therefore, most humbly and respectfully prayed that this Hon'ble Tribunal may be graciously pleased to dismiss the present Original Application filed by the Applicant qua the NOIDA authority with exemplary cost as the same is bereft of any merit.

15. I say that the contents hereof are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed thereof.

DEPONENT

VERIFICATION

Verified at New Delhi on this 16th day of May, 2023 that the contents of the above affidavit are true and correct to the best of knowledge and belief and nothing material has been concealed therefrom.

Nishi Kant Singh
D/396/2016

DEPONENT



ATTESTED

**NOTARY PUBLIC
DELHI (INDIA)**

16 MAY 2023

82

9

 **GPS Map Camera**

Noida, Uttar Pradesh, India

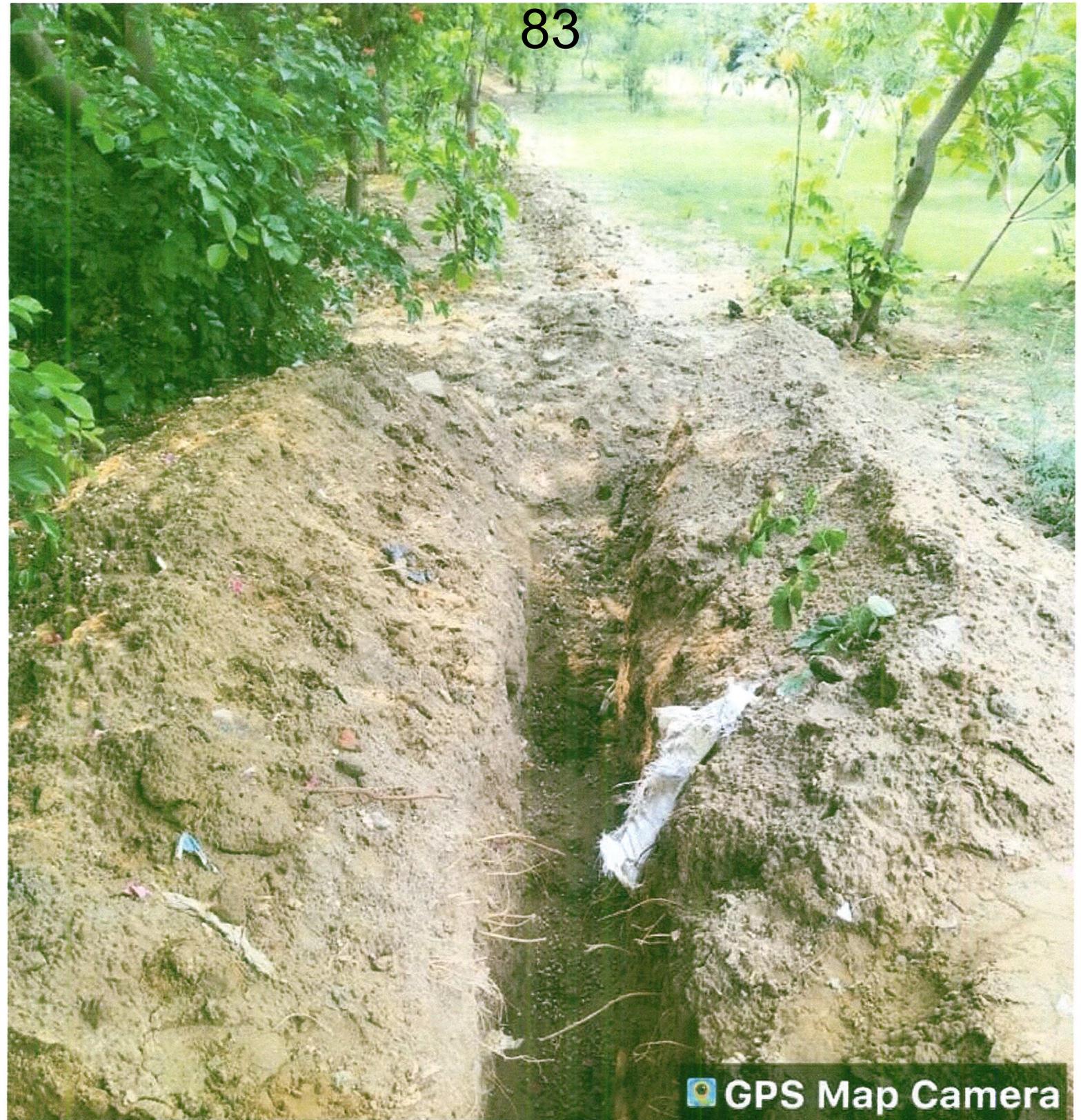
42, Block A, Sector 72, Noida, Uttar Pradesh 201305, India

Lat 28.585086°

Long 77.376598°

02/05/23 02:15 PM GMT +05:30





 **GPS Map Camera**

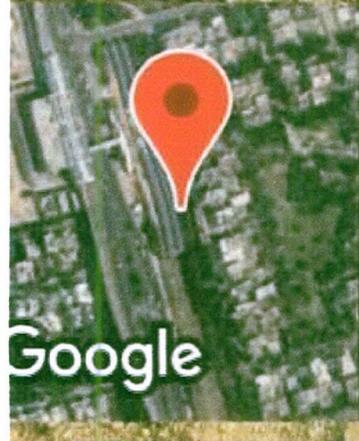
Noida, Uttar Pradesh, India

43-A, Block A, Sector 72, Noida, Uttar Pradesh 201305, India

Lat 28.584952°

Long 77.376664°

02/05/23 02:15 PM GMT +05:30

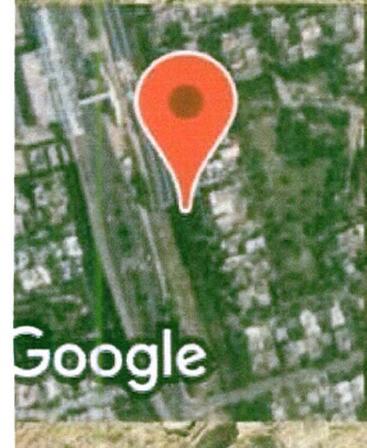


84



 **GPS Map Camera**

Noida, Uttar Pradesh, India
46, Block A, Sector 72, Noida, Uttar Pradesh 201305, India
Lat 28.584468°
Long 77.376834°
02/05/23 02:14 PM GMT +05:30



Google



 **GPS Map Camera**



Noida, Uttar Pradesh, India

A-155, gate number 3, Block A, Sector 72, Noida, Uttar Pradesh 201301, India

Lat 28.583982°

Long 77.376911°

02/05/23 02:13 PM GMT +05:30



 **GPS Map Camera**



Noida, Uttar Pradesh, India

A-155, gate number 3, Block A, Sector 72, Noida, Uttar Pradesh 201301, India

Lat 28.583834°

Long 77.377027°

02/05/23 02:13 PM GMT +05:30

Google

87

14



 GPS Map Camera



Noida, Uttar Pradesh, India

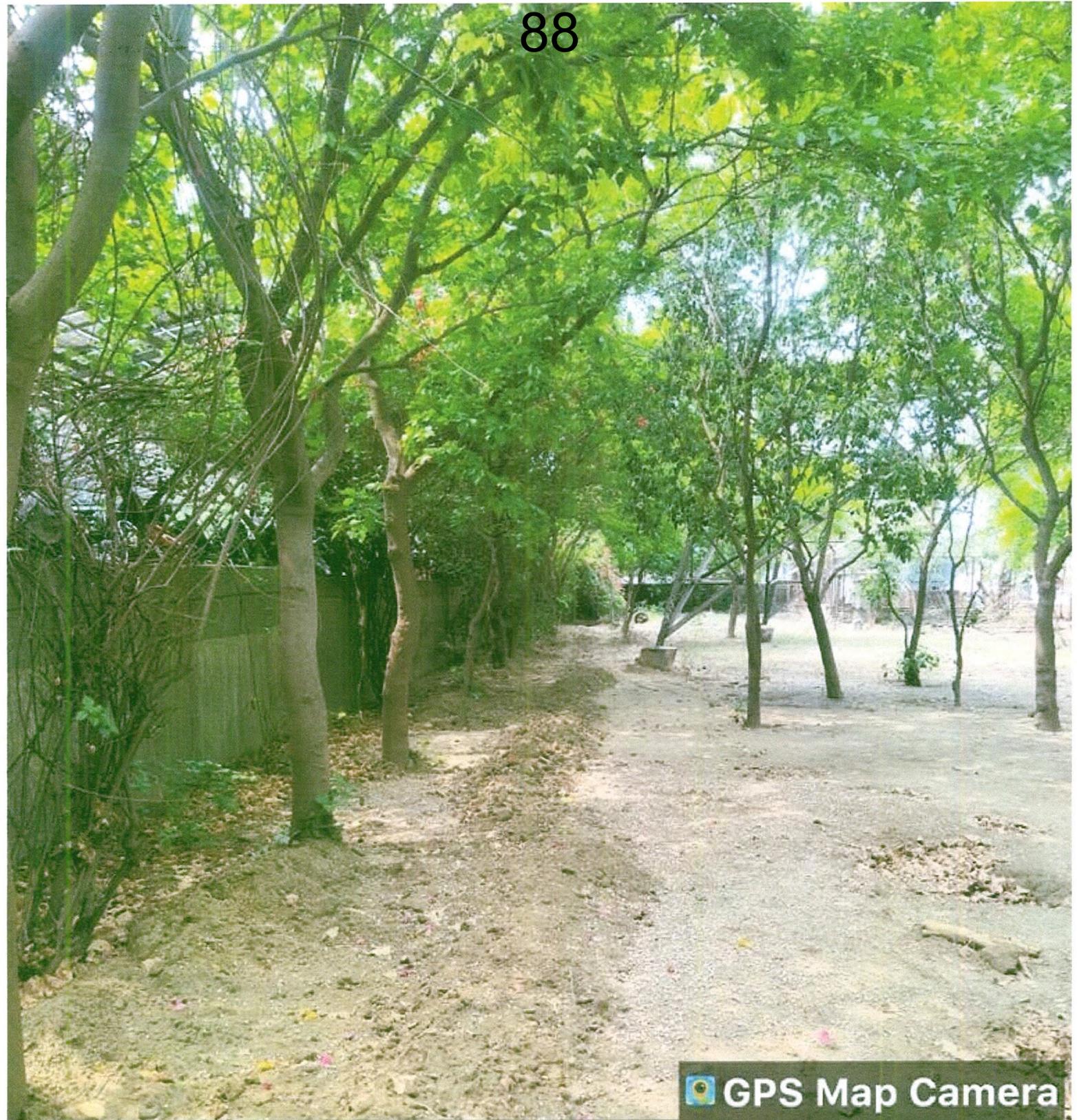
53, Block A, Sector 72, Noida, Uttar Pradesh 201305, India

Lat 28.58346°

Long 77.377222°

02/05/23 02:11 PM GMT +05:30

Google



 **GPS Map Camera**

Noida, Uttar Pradesh, India

74, Block A, Sector 72, Noida, Uttar Pradesh 201301, India

Lat 28.586163°

Long 77.376235°

02/05/23 02:17 PM GMT +05:30



Google



89 कार्यालय

Office of the
अधिशायी अभियन्ता

Executive Engineer

विद्युत नगरीय वितरण खण्ड-सप्तम्

Electricity Urban Distribution Division-VII

33/11 के.वी. उपस्थान, सैक्टर 62 सी0, नोएडा

33/11 KV Sub Station, Sec-62 C, Noida

CIN - U131200UP2003SGC027458

Email ID:- eudd7noida@gmail.com

पत्रांक : 2015 / वि0न0वि0ख0-सप्तम्/नो0

दिनांक 06-07-2022

विषय-33/11 के0वी0 सब-स्टेशन, सैक्टर 53 को पोषित करने वाली 33 के0वी0 लाईन की केबिल की क्षतिग्रस्तता के संबंध में।

वरिष्ठ प्रबन्धक,
विद्युत यान्त्रिक खण्ड-3
सैक्टर 39, नोएडा

उपरोक्त विषयक अधीक्षण अभियन्ता वि0न0वि0मण्डल-प्रथम, नोएडा के कार्यालय पत्रांक 716 दिनांक 21.02.2018 एवं इस खण्ड के कार्यालय पत्रांक 83 दिनांक 12.03.2018 का सन्दर्भ ग्रहण करने का कष्ट करें। जिसके संबंध में आपको अवगत कराना है कि सड़क चौड़ीकरण एवं यू-टर्न निर्माण के समय क्षतिग्रस्त हुई 132 के0वी0 सब स्टेशन 115 से निर्गत 33/11 के0वी0 सब-स्टेशन सैक्टर -53 को पोषित कराने वाली 33 के0वी0 लाईन की केबिल को बदलवाने (नये रूट पर डलवाने) हेतु अनुरोध किया गया है। अवगत हो कि उक्त केबिल के क्षतिग्रस्त होने के कारण 33/11 के0वी0 उपकेन्द्र, सैक्टर 53 को तत्कालिक वैकल्पिक व्यवस्था द्वारा 33/11 के0वी0 उपकेन्द्र सैक्टर 32 की लाईन से जोड़कर चलाया जा रहा है, परन्तु ग्रीष्मकाल में अधिक भार होने के कारण उक्त व्यवस्था को सुचारु रखना संभव नहीं हो पायेगा, जिसकी जिम्मेदारी प्राधिकरण की होगी।

अतः आपसे सादर अनुरोध है कि शीघ्र अतिशीघ्र नयी केबिल डलवाने हेतु आवश्यक कार्यवाही कराने की कष्ट करें जिससे कि विद्युत व्यवस्था को सुचारु रखा जा सकें।

संलग्नक- लाईन चार्ट की फोटो कॉपी।

(राम यश यादव)
अधिशायी अभियन्ता

पत्रांक : / वि0न0वि0ख0-सप्तम्/नो0

दिनांक

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1 - मुख्य अभियन्ता, नोएडा क्षेत्र, नोएडा।

2- अधीक्षण अभियन्ता, वि0न0वि0मण्डल-प्रथम, नोएडा।

(राम यश यादव)
अधिशायी अभियन्ता

1407
4/7/22

Mangya / P. Namshaula

Pls. dicuss

4/7/22

RESIDENTS WELFARE ASSOCIATION (Regd.)**SECTOR-72, NOIDA**

Office : Community Center, Sector-72 Noida 201316, (Society Regd. No. 137 dt : 27/04/2010 Endorsement#-53727-M/2010-11
E-mail : rwa72noida@gmail.com

17

PRESIDENT
AJIT SINGH VERMA
E-98/72, Mob. : 9811154100

GEN.- SECRETARY
JAIPAL SINGH
C-126/72, Mob: 9871769153

TREASURER
BHUWAN P. MAULEKHI
E-91/72 Mob: 8285009500

PATRON AND LEGAL ADVISOR : BHUPAL SINGH B-25/72, Mob: 9911673588

VICE PRESIDENT
S.C. PANDEY
B-56/72, Mob: 9811466094

JOINT SECRETARY
ANIRUDH CHAUHAN
A-36/72, Mob: 9250000438

BLOCK VICE PRESIDENT
RAJNEESH RAHEJA
A-150/72, Mob: 9810160686

U.K. GUPTA
B-85/72, Mob: 9891089039

RAKESH SHARMA
C-180/72, Mob: 9312661198

VIJAY KR. SHARMA
E-89/72, Mob: 9811381096

CULTURAL SECRETARY
NEETU SATIJA
B-27/72, Mob: 9310003935

EXECUTIVE MEMBERS
GURCHARAN SINGH
A-161/72, Mob: 9999797023

ARUN SINGH
A-149/72, Mob: 9873800089

R.J. SINGH
B-46/72, Mob: 9810146673

RAKESH MITTAL
B-103/72, Mob: 9999411343

RISHI JAKHMOLA
C-101/72, Mob: 9818019216

DR. PARVEEN DUTT SHARMA
C-105/72, Mob: 9350129753

TARUN SHARMA
C-471/72, Mob: 9625521201

DEEPAK JAIN
E-103/72, Mob: 9811129097

ARJUN SINGHAL
E-72/72, Mob: 8527114733

SUMIT RALHAN
E-14/72, Mob: 9810525011

EX. OFFICIO SR. MEMBER
S.S. PAYAL
B-53/72, Mob: 9540089792

Ref. : *RWA/NA/222/2022-23*

Date. :

Dated: 30/03/2023

To

Sh. Gaurav Bansal
Senior Manage, E& M III
Sector 39, Noida.

Sub: regarding laying of electrical cable in the green belt of sector 72.

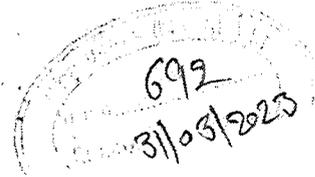
Ref.-Noida/ Sr M. E& M III/2023/426, dated: 27/03/2023.

Dear Sir,

Please refer to your letter under reference regarding laying of electrical Cable where proposed route has been shown passing through green Belt of sector 72. We the RWA, sector 72 oppose the proposed route through the Green Belt of sector 72 based on following points-

(1) The Noida Master Plan 2031 has been prepared by the New Okhla Industrial Development Authority, for Integrated, Planned development of the NOIDA town and it's Environs to accommodate the future growth of the population up to the Year 2031. The said Master Plan amongst it's other objectives also aims to achieve the Integrated development. It is pertinent to mention herein that Chapter- V of NOIDA Master Plan -2031 provides for the Land use Pattern, where Green belts are identified as Recreational Areas. It is also relevant to mention herein that the said Green Belts have been envisaged to be maintained exclusively as green & open public spaces in the form of parks, play grounds, rain water bodies etc.

(2) Chapter V of Master Plan 2031 states that the Authority may allow in exceptional circumstances the development of Public utilities on the maximum 2% part of the total land of a park or Green Belt. Rainwater harvesting or recharge systems or water bodies shall be allowed in the parks & Green Belts,



J.E. Sh. Bem
Sh.
31/3

Manager (P)
31/3

As per the letter received from your department, it is clear that it is a routine work, also it is important to note that in the said green belt there already exists a tower of power Grid, sewerage line and transformer section of electricity dept., which have consumed more than 2% land of the green belt. Out of 718 Meter of the greenbelt, power grid tower and Transformer section have utilised approx. 40 meter which is way more than the limit mentioned in Master Plan 2031 of Noida Authority. 18

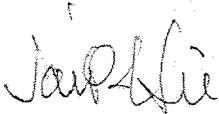
(3) It is therefore requested that an alternate route should be chosen as proposed part of the route passing through Green Belt of sector 72 is against the master plan 2031 of Noida Authority.

Also work of cable laying in the Green Belt will disturb greenery. It is Constitutional Duty of Noida under mandate of Article 46 A of Constitution of India to protect and improve the environment by safe guarding the Forests & Wild life of the Nation, which includes the Green Belt as well. Also the direction of Article 51 A (g) of Constitution of India casts a duty upon every citizen of India including yourself, to protect and improve the Natural environment including Forests.

(4) So we request the concerned Department to see an alternate route as the decision is totally against the Mandate of Masterplan-2031 of New Okhla Industrial Development Authority. We are hopeful that under these circumstances an alternative route will be planned by your department.

Thanking You.

Yours Faithfully



Jaipal Singh

Gen. Secretary

RWA, sector 72

GENERAL SECRETARY
RWA Sector-72, Noida



S.C. Pandey

Vice President

RWA, sector72

RWA Sector-72
Noida

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY
OFFICE OF THE Sr. Manager (E&M)-III
Opp. Sector-39, Community Center,
Shade No. -7, SECTOR-39, NOIDA
E-mail. peem39noida@gmail.com

नौरडा

नवीन ओखला औद्योगिक विकास प्राधिकरण
कार्यालय वरिष्ठ प्रबन्धक(वि/यों)-तृतीय
सैक्टर-39 सामुदायिक केन्द्र के सामने,
शेड नो 7, सैक्टर-39, नौरडा।

No. Noida/Sr. M, E&M III/2023/S..U.9

Dated. 2.4.2023

महासचिव
आवासीय कल्याण समिति
सैक्टर-72, नौरडा।

विषय : सैक्टर-72 की ग्रीन बेल्ट में केबिल डालने के सम्बन्ध में।

Name of Work :- Construction of 33KV Feeder Line from 132 KV Sub-station sector-115 to 33/11
KV Sub-station sector-53, Noida
C.B. No. 30/DGM(E&M)/S. M E&M-III/ 2022-23

कृपया उपरोक्त कार्य के सम्बन्ध में दिनांक 18.04.2023 को उप महाप्रबन्धक(वि/यों) के कक्ष में हुई वार्ता के क्रम में अवगत कराना है कि उपरोक्त कार्य हेतु सैक्टर-72 की ग्रीन बेल्ट में केबिल डालने का कार्य किया जाना प्रस्तावित है। उक्त कार्य के अन्तर्गत वृक्षों को बचाते हुए मैन्यूअल रूप से यह कार्य किया जायेगा एवं पौधों को कोई क्षति नहीं होगी। कार्य पूर्ण होने के उपरान्त संविदाकार द्वारा मिट्टी को भरते हुए पूर्व की स्थिति में कर दिया जायेगा।

अतः आपसे अनुरोध है कि उक्त कार्य में अपना सहयोग प्रदान करने का कष्ट करे जिससे आपके सैक्टर एवं अन्य सैक्टरों को निर्वात विद्युत आपूर्ति उपलब्ध करायी जा सके।

(गौरव बंसल)
वरिष्ठ प्रबन्धक
वि./यों - III, नौरडा

प्रतिलिपि:-

1. उप महाप्रबन्धक(वि/यों) को सूचनाार्थ।
2. प्रबन्धक(वि/यों)-III को आवश्यक कार्यवाही करें।
3. M/s. Al. Qasim Associates को आवश्यक कार्यवाही करें।

(सुनील)
वरिष्ठ प्रबन्धक
वि./यों - III, नौरडा



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93

VAKALATNAMA

NGT

Original Application No. 326/2023



Residents Welfare Association, Sector-72, Noida

Vs.

Union of India & Ors.

I/we New Okhala Industrial Development Authority, PO- NOIDA, Distt. Gautam Budh Nagar, UP Through its Assistant Law Officer the undersigned do hereby nominate and appoint **Mr. Abdhesh Kumar Chaudhary**, Advocate to be counsel in the above matter and for me/us and on my/our behalf to appear, plead act and answer in the above Court or any appellate Court or any Court to which the business is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits, compromises or other document whatsoever, in connection with the said matter arising there form, and also to apply for and receive all documents or copies of document, depositions, etc. and to apply for issue of summons and other writs of subpoena and to apply for and get issued any arrest, attachment of other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, However, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, them, and in such and event my/our said advocate shall not be bound to appear before the court and if may/our said advocate deth appear in the said case he shall be entitled to an outstation fee and other expenses of traveling, lodging, etc. Provided also that if the case be dismissed by default, or if it be proceeded ex-parte, the said advocate (s) shall not be held responsible for the same. And all whatever my/our said advocate (s) shall I lawfully do. I do here by agree to and shall in future ratify and confirm.



ACCEPTED:-

I.....Advocate

(ABDHESH CHAUDHARY)
(D/2438A/1999)

Signature of Client.....

10/5/23

नरदेव
सहायक
विधि अधिकारी
नोएडा

Identified

Nishi Kant Singh

D/396/2016

(MANISHA SURI)
(D/412-H/2000)

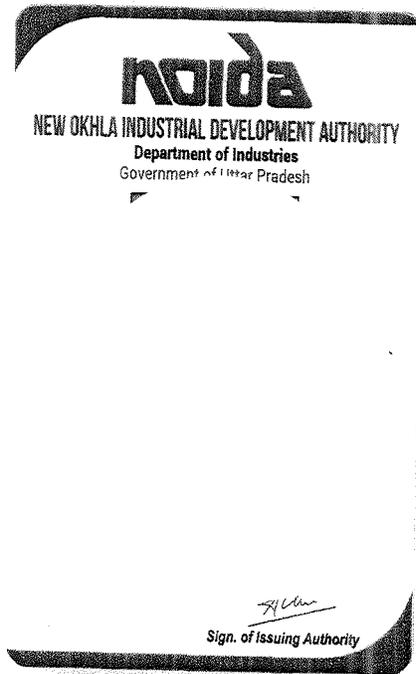
For and on behalf of New Okhla Industrial Development Authority Distt. Gautam Budh Nagar.

Nishi Kant Singh
(NISHI KANT SINGH)
(D/396/2016)

Greetanjali Setia
(GREETANJALI SETIA)

Meena Yadav
(MEENA YADAV)

21



OFFICE :
Main Administration Building,
Sector-6, Noida-201301
Distt. Gautam Buddha Nagar U.P. (India)

Date of Birth
Blood Group
Eme. Cont
Emergenc
Residence

Permanent Addr

Emp. Mobile N.

Emp. Signature /
Thumb Imp.

Advance Service of the Reply being filed for and on behalf of the NOIDA Authority

1 message

CHAUDHARY LAW OFFICES <chaudharylwoffices@gmail.com>
To: tarunsharmalawoffice@yahoo.co.in

Tue, May 16, 2023 at 7:46 PM

**In Re: Resident Welfare Association, Sector 72, Noida
Versus
Union of India & Ors.
O.A. No.326/2023**

22

Dear Sir

Please find the attached reply being filed for and behalf of the Respondent No.3/Noida Authority. Kindly acknowledge the same.

Thanks & Regards
Nishi Kant Singh
for Chaudhary Law Offices
Advocates
K-2017,(LGF)
Chittaranjan Park
New Delhi-110 019.
+91-11-41053797

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