

BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 832 OF 2024
(I.A. NO. 317/2024)

IN THE MATTER OF:
AKASH VASHISHTHA

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

..... RESPONDENTS

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Place: New Delhi

Date: 04.02.2025

N. Selu
निशान्त चन्द्र
सहायक अभियन्ता
उत्तर प्रदेश

GHAZIABAD DEVELOPMENT AUTHORITY
(RESPONDENT NO. 8)

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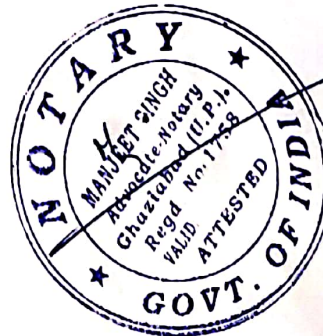
..... RESPONDENTS

**SHORT REPLY ON BEHALF OF THE RESPONDENT NO. 8, GHAZIABAD
DEVELOPMENT AUTHORITY IN THE MATTER OF AKASH
VASHISHTHA V. STATE OF UTTAR PRADESH AND OTHERS O.A. 832
OF 2024.**

MOST RESPECTFULLY SHOWETH:

1. That the present reply is being filed on behalf of the Respondent No. 8, Ghaziabad Development Authority in the present Original Application No. 832 of 2024 titled as *Akash Vashishtha v. State of Uttar Pradesh and Others* (hereinafter referred to as 'the present matter') pending for adjudication before the Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'the Hon'ble Tribunal').
2. That the Respondent No.8, Ghaziabad Development Authority (hereinafter referred to as 'the Respondent No.8') is created under Section-4 of Urban Planning and Development Act, 1973 by Government Order no. 738(1)-37-2-47-DA76, Lucknow dated 9th March 1977. The primary objectives of the Authority are preparation of Master Plan for Planned Urban Development, development & control as per Master Plan, Acquisition of Land and Management for Housing and Urban

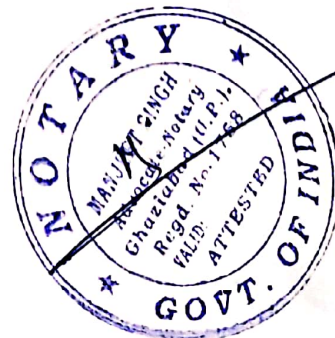
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निशान्त चन्द्र
सहायक अभियन्ता।
धरतन जोन-3



Development, Construction Housing and Development, provision of Physical and Social Infrastructure.

3. That, at the very outset it is submitted before this Hon'ble Tribunal that the relief sought by the Applicant in present matter is frivolous and baseless. Further, all the contentions submitted by the Applicant are denied in entirety save and except so far as specifically admitted herein. Nothing in the present reply may be deemed to be an admission for want of specific denial.
4. That the present matter alleges large scale excessive and indiscriminate concretization of roadsides/roadberms and constructions in parks in Ghaziabad being done in violation of the order of the Tribunal in OA No. 165/2013 in the case of *Akash Vashishtha vs. Union of India & Ors.* and the Government Order dated 23.03.2018 issued by the State of Uttar Pradesh.
5. That it is humbly submitted that the Rajnagar Housing Scheme was an Improvement Trust scheme which was in existence before institution of Ghaziabad Development Authority, Respondent No. 8. Further, the scheme had been transferred to the Municipal Corporation, Ghaziabad 40-45 years ago in 1980s approximately. Therefore, Respondent No. 8 is not the competent authority conduct any inquiry pertaining to any unauthorized development/construction in the said area.
6. That it is humbly submitted that after receiving complaints from residents regarding illegal construction in Chandrashekhar Azad Park (Shukla Park), Raj Nagar, a letter was issued by Respondent No. 8 to the Municipal Corporation of Delhi stating that no approval has been taken regarding the

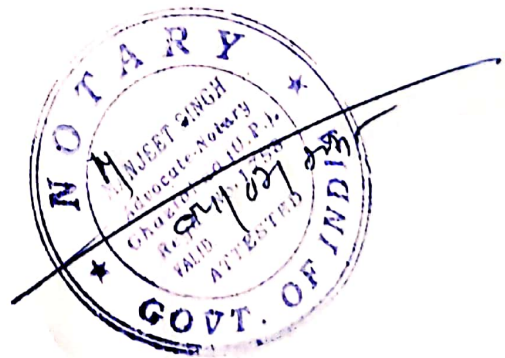
N. Sel
निशान्त चन्द्र
सहायक अभियन्ता
प्रवर्तन जॉन-3



said construction and objection has also been expressed by the Regional Office of UPPCB through letter number 627/CP/74/2024 dated 26.06.2024. Since, the scheme has been scheme transferred to the Municipal Corporation of Ghaziabad, it was directed that the concerned authority must ensure compliance of the order dated 07.07.2023 passed by the National Green Tribunal in O.A. 621/2023 and Office order No. 1022/..5-2018 dated 23.03.2018. A true copy of the letter dated 03.07.2024 is marked and annexed herein as **ANNEXURE A-1**.

7. That it is humbly submitted that the Respondent No. 8 has neither carried out any construction work of interlocking tiles anywhere in the park nor on the shoulder of the road however the construction of a tin-shed in the vicinity of the Chandrashekhar Azad Park (Shukla Park), Raj Nagar appears to be constructed without any concretization. The same appears to be constructed on vegetated earth and soil therefrom. Nonetheless, it is denied that Respondent No. 8 has violated any Government order. A true copy of photograph of the construction in the Chandrashekhar Azad Park is marked and annexed herein as **ANNEXURE A-2**.
8. That it is humbly submitted that the submissions in the present reply are limited to the averments made in the original application 832/2024 and the interim application 317/2024 however, the Respondent No. 8 reserves the right to reply to any additional averments/allegations raised at the later stage.

Nishant
निशान्त चन्द्र
सहायक अभियन्ता
प्रयत्न जोन-३



PRAYER

In the view of present facts and circumstances, it is prayed before this Hon'ble Court that it may please to:

1. Dismiss the present application titled as *Akash Vashishtha v. State of Uttar Pradesh and Others* O.A. 832 of 2024.
2. And/or pass any other order that it may deem fit and proper.

Place: New Delhi

Date: 04.02.2025

N. Selu
निशान्त चन्द्र
सहायक अभियन्ता
प्रवर्तन जोन-३

GHAZIABAD DEVELOPMENT AUTHORITY

(RESPONDENT NO. 8)

Yagywalkya Singh

THROUGH COUNSEL

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..... RESPONDENTS

AFFIDAVIT

I, Nishant Kumar chandra, S/o Shri Jagdish Chandra, aged about 42 years, presently posted as Assistant-Engineer, GDA, and R/o 2B - GDA officers colony Nehru Nagar - I.B.G.38 do hereby solemnly affirm and declare as under:

1. That I am the authorized representative of the Respondent Authority in the aforesaid matter and I am well conversant with facts and circumstances of the case and I am competent to swear the present affidavit.
2. That the contents of the accompanying short reply have been read over to me, which I understood and I state that the contents from para 1 to 8 are based on the records maintained by me and further as per the legal advice received and believed by me to be true.
3. That the Annexure filed with the present short reply are true copies of the originals.

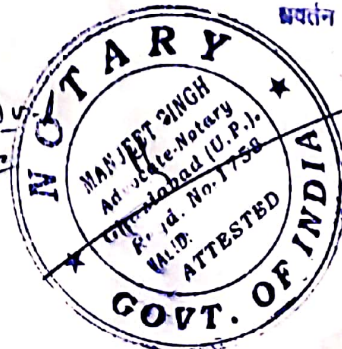
Nishant
DEPONENT
सहायक अभियन्ता
प्रवर्तन जान-3

VERIFICATION

Verified at New Delhi on this _____ day of _____, 2025 that the contents of Para 1 to 3 of the above affidavit 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 therefrom.

Nishant
DEPONENT
सहायक अभियन्ता
प्रवर्तन जान-3

No. 89 Date 01/07/2025
Affidavit/Declare
of Sh. Nishant Kumar chandra
S/o Jagdish Chandra
R/o 2B - GDA officers colony Nehru Nagar - I.B.G.38
Identified by/Through Self on Basis on
Documents with him.....
MANJEET SINGH
Notary Ghazalabad (U.P.)





गाजियाबाद विकास प्राधिकरण

विकास पथ, गाजियाबाद।

पत्रांक 735/4/EE-सर्वो-3/2024-25
प्रेषक,

दिनांक 3.7.2024

अधिसासी अभियन्ता,
गाजियाबाद विकास प्राधिकरण,
गाजियाबाद।

सेवा में,

अपर नगर आयुक्त,
नगर निगम,
गाजियाबाद

विषय: प्राधिकरण आवासीय योजना राजनगर, सैक्टर-10 स्थित शुक्ला पार्क में अवैध रूप से टीनशैड डाले जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक प्राधिकरण आवासीय योजना राजनगर, सैक्टर-10 में अवैध रूप से टीनशैड डाले जाने के सम्बन्ध में राजनगर के निवासियों द्वारा शिकायत की गयी है। जिसमें वार्ड 84 के पार्षद श्री प्रवीण चौधरी द्वारा राजनगर सैक्टर-10 स्थित शुक्ला पार्क में योगा क्रिया हेतु टीनशैड डाले जाने का कार्य किया जा रहा है। जिसमें प्राधिकरण से कोई अनुमति प्राप्त नहीं की गयी है। जिसके सम्बन्ध में क्षेत्रीय कार्यालय उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद द्वारा भी पत्र संख्या 627/सीपी/74/2024 दिनांक 26.06.2024 के द्वारा भी आपत्ति प्रकट की गयी है। उक्त आवासीय योजना नगर निगम, गाजियाबाद को हस्तान्तरित एवं योजना का समस्त रख-रखाव नगर निगम, गाजियाबाद द्वारा संचालित किया जा रहा है।

अतः उपरोक्त किये जा रहे कार्य को मा० नेशनल ग्रीन ट्र्यूवनल द्वारा याचिका आई.ए. नं०-621/2023 में पारित आदेश दिनांक 07.07.2023 एवं शासनादेश संख्या-1022/नौ-5-2018 दिनांक 23.03.18 का अनुपालन सुनिश्चित किये जाने हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।

भवदीय

अधिसासी अभियन्ता

गाजियाबाद विकास प्राधिकरण

दिनांक 3.7.2024

पृ० सं० 729710 IV / /
प्रतिलिपि:-

1. नगर आयुक्त महोदय को सादर अवलोकनार्थ।
2. सचिव महोदय को सादर अवलोकनार्थ।
3. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को सूचनार्थ।
4. श्री आकाश वशिष्ठ, निवासी-आर-7/17, राजनगर, गाजियाबाद को सूचनार्थ।

अधिसासी अभियन्ता

% ✂

ANNEXURE A-2



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