

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

OA NO. 1046/2019

IN THE MATTER OF:

Mahesh Chandra Saxena .. Applicant
Versus
State of Uttar Pradesh & Ors .. Respondents

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FILED BY:



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Dated: 5.11.2020
New Delhi

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NDOH:

**ADDITIONAL SUBMISSIONS ON BEHALF OF THE
APPLICANT MAHESH CHANDRA SAXENA**

MOST RESPECTFULLY SHOWETH:

1. That on the direction of this Hon'ble Tribunal in the above said O.A., the Inspection of R.W.H. System of NOIDA was got done. After perusal of the inspection report M/s Advant Navis Business Park, Plot No. 7, Sector 142, NOIDA, Gautam Budh Nagar has been directed by this Hon'ble Tribunal to pay interim compensation of Rs.25,00,000/- to be deposited with the Central Pollution Control Board within one month from the date of the order dated 19.6.2020. The applicant is grateful to this Hon'ble Tribunal for admitting his application and getting conducted the inspection of RWH System in NOIDA.
2. That the applicant wants to place additional facts/ information in the matter before this Hon'ble Tribunal.

3. That the groundwater in the entire area of NOIDA and Greater NOIDA is being contaminated which will cause great havoc in the time to come.
4. That like M/s Advant Navis Business Park, M/s Candor Techspace, Plot No. 20-21, Sector 135, NOIDA, Gautam Budh Nagar, U.P. was contaminating the groundwater and still would be doing so. U.P. Pollution Control Board have taken too much time in the inspection. During the inspection two members on behalf of NOIDA Authority namely Shri Chetram and Shri Mukesh Goel were present. During the talk at the time of inspection the applicant found that Shri Mukesh Goel and H.O.D. of M/s Candor Techspace were having more friendly relationship. The applicant feels that prior information of inspection would have been given by Member of NOIDA Authority to M/s Candor Techspace. It is submitted that M/s Candor Techspace had filled 70 feet deep soil in the Recharge Borewell of R.W.H.S. and had got cleaned the Recharge R.W.H. System, had also closed the water coming in Rain Water Harvesting Pit. The Recharge Borewell of R.W.H. System of M/s Candor Techspace were more than 100 feet deep. In this R.W.H. System Pit the filth of surface area and washing of basement and chemical wastes of cooling tower of Top Roof comes in

the water. The R.W.H. System of M/s Candor Techspace even today is non functional because it has been joined with storm water drain. For making this R.W.H. System proper functional, the rain water from roof separately will have to go into the pit of R.W.H. System and the overflow pipe of the Pit of R.W.H. System will have to be put into storm water drain. Bypass system in each pit will have to be constructed. Only in the Monsoon season for 20 days Top Roof rain water have to be sent in RWH System.

5. In NOIDA Golf Course, Sector 43, NOIDA, U.P. the depth of 35 Nos. R.W.H. System was 50-metre-deep whereas the water level of that place was 30 metre deep. In this case for keeping the grass green the urea fertilizer and chemical substances are being sprayed in huge quantity. Due to these substances the groundwater was contaminated. During the year 1990 the water level of the ground water in the golf area was 10 metre, today it has reached more than 30 metre deep. In NOIDA Golf Course the R.W.H.S. have been filled upto 30 metre with sand. In all R.W.H. System R.C.C. concrete will have to be filled otherwise these R.W.H. System will continue to contaminate the groundwater. The Secretary of NOIDA Golf Course has given wrong information that for Golf

area 10 lakh litre per day groundwater was being abstracted. It is submitted that in the golf area groundwater of 40-50 lakh litre per day was being abstracted.

6. The ground water is being contaminated from R.W.H. System in all commercial areas, Malls, Schools, Hospitals, Factories, Builder flats in NOIDA, Greater Noida. By the year 2030 the ground water of NOIDA, Greater Noida, Express Way Noida, will become polluted and poisonous.
7. That in commercial buildings of NOIDA RWH Systems have been constructed in which instead of putting roof top rain water the chemical wastes are being thrown. Due to chemical wastes dangerous methane gas is formed. In the HCL Building situated in Sector 11, NOIDA, some workers were sent to clean the pit, within a few minutes due to adverse effect of the methane gas they had died, though they were taken out of the pit within 5 minutes.

PRAYER:

It is, therefore, most humbly prayed that to save groundwater of NOIDA, Greater Noida and Expressway NOIDA appropriate orders may kindly be passed as under:

1. All R.W.H. System may kindly be ordered to be closed by filling RCC concrete immediately, in any case well before coming of next Monsoon.
2. In Delhi during the year 2013 by the order of this Hon'ble Tribunal R.W.H. Ground Water Cell was constituted under Delhi Jal Board. Similar R.W.H. Ground Water Cell may kindly be ordered to be constituted in NOIDA, Greater NOIDA and Expressway NOIDA.
3. Appropriate direction may kindly be given to Ground Water Cell of Delhi Jal Board to extend proper assistance/co-operation in constituting the Ground Water Cell in NOIDA, Greater Noida.
4. The responsibility of ground water of NOIDA, Greater NOIDA and Expressway NOIDA may kindly be assigned to the Monitoring Committee under the Hon'ble Judge(Retd.) Sh. S.P. Garg. In the Committee four more members may kindly be ordered to be associated consisting of:
 - i. Shri D.R. Chadha, Ex Chairman C.G.W.B.
 - ii. Professor Gohar Mahmood of Jamia Milia Islamia,
 - iii. Shri Shashant Sharma of J.N.U. and
 - iv. present Profession Ati-Ur-Rehman of Jamia Milia Islamia

who will certainly impart proper and correct suggestion to the
Hon'ble Chairman of the Committee.

New Delhi

Applicant



Dated 5.11.2020

Mahesh Chandra Saxena

(in person)

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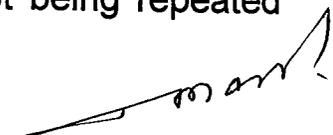
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AFFIDAVIT

I, Mahesh Chandra Saxena S/o Late Sh. Ram Bihari Lal Saxena R/o A-388, Chhatarpur Enclave, Phase-I, Chhatarpur, New Delhi-74, aged about 61 years, do hereby solemnly affirm and declare as under:

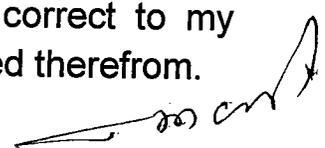
1. That I, the applicant, have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit in aforesaid capacity.
2. That the accompanying additional submission has been drafted under my instructions. I have read the contents thereof, the same are true and correct and may kindly be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.



DEPONENT

VERIFICATION:

Verified at New Delhi on this .5... day of November, 2020 that the contents of above affidavit are true and correct to my knowledge. Nothing material has been concealed therefrom.



DEPONENT