

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

OA No.287/2022

AMIT KISHORE

... Petitioner

Versus

UPSPCB & Others

... Respondents

WRITTEN ARGUMENTS ON BEHALF OF RESPONDENT No.2

GHAZIABAD NAGAR NIGAM

1. The allotment of the Kiosks in question were done under The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014
2. That the kiosks were placed in front of the CWR. It is clear from the Master Plan as well as Map of Sector-15 that the Green belt is in the left side of the Printed Map and the space in front of CWR has not been indicated as Green Belt.
3. That it was admitted by the Engineer of the Awas Vikas Parishad on interrogation by the Hon'ble Tribunal that the space in front of CWR Boundary is not green belt.
4. That it is evident from the Master Plan of Ghaziabad and Plan of Sector-15 that the space has not been marked as "Green Space/ Open Space" in the 'Index' of Map.
5. That it is pertinent to mention here that the Awas Vikas Parishad, for the reasons best known them, gave a false report / status report dated 05.09.2022 before the Tribunal, the contents of which are reproduced as under:

"6. That it is important to bring to the notice of this Hon'ble Tribunal that a vending zone was proposed to be set up in Sector 10, 12 and 14 of Vasundhara, Ghaziabad that had been marked for

setting up in accordance with a proposal passed by the Architecture and Planning Section of the Answering Respondent. Therefore, Ghaziabad Nagar Nigam has acted in violation of the aforementioned proposal and has illegally set up the vending zone. Therefore, Ghaziabad Nagar Nigam must remove the said encroachment from the green belt situated in sector 15 and 17 of the Vasundhara Awas Yojna and restore the said green belt to its original form. (emphasis supplied)”

6. That on the version of the Awas Vikas Parishad, the erstwhile Municipal Commissioner has ordered for the removal of the kiosks and again, on the report/affidavit of Awas Vikas Parishad, the order for the removal of the kiosks was issued.
7. That the Nagar Nigam Ghaziabad restored the place on 03.11.2022 as was handed over to it by the Awas Vikas Parishad. It is most respectfully submitted that as owner of the land, it was incumbent upon the Awas Vikas Parishad to know its true nature. The act of misleading the Hon’ble Tribunal in the pretext that the nature of green belt has been changed by the Nagar Nigam, which ultimately was found to be false on interrogation of Engg.- Awas Vikas Parishad by the Hon’ble Tribunal, which is condemned in strongest possible words. Awas Vikas Parishad, on all occasions continued to circumvent the correct legal and factual position.
8. That the OA, as on date, stands as infructuous.

Ghaziabad Nagar Nigam

Through Counsel

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