

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 189/2020**

IN THE MATTER OF:

KAPIL

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS.

...RESPONDENTS

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Through:

FILED BY:



ARDHENDUMAULI KUMAR PRASAD

Senior Central Government Standing Counsel

Advocate for CGWA

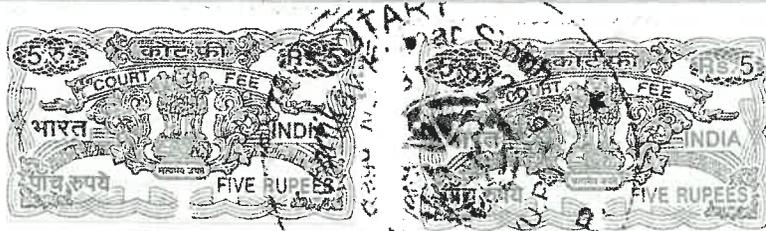
A-52, Sector 17-A, NOIDA, U.P. 201301

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Date: 14.01.2022

Place: Noida



1

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

ORIGINAL APPLICATION No. 189 OF 2020



IN THE MATTER OF:

KAPIL

...APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL
BOARD & ORS.

...RESPONDENTS

WRITTEN SUBMISSION ON BEHALF OF CENTRAL GROUND WATER
AUTHORITY (CGWA)

MOST RESPECTFULLY SHOWETH:

I, Kartikay Kumar Tripathi, S/o Mukta Prasad Tripathi, Aged 52 year, employed as Head of Office, Central Ground Water Board, Northern Region, functioning at Lucknow, do hereby solemnly affirm and declare as under:

1. That I am duly authorized and competent to swear this affidavit on behalf of Central Ground Water Authority, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, in the above matter.
2. That I have read and understood order dated 26.08.2021 passed by the Hon'ble NGT and filing this Affidavit in compliance of direction passed by the Hon'ble Tribunal.

BRIEF SUBMISSIONS:

3. That this Hon'ble Tribunal vide order dated 26.08.2021 had expressed concerns over alleged extraction of ground water by the project proponent i.e. Respondent No. 5 M/s Umang Diaries Limited in city of Gajraula,

District Amroha, Uttar Pradesh without any permission from the concerned

SWORN & VERIFIED
BEFORE ME
Kartikay Kumar Singh
(Advocate)
NOTARY
Lucknow (U.P.) INDIA

authority and bypassing of waste on land in violation of Water and Air Act.

4. That it is submitted that as per report dated 21.10.2020 the unit had requisite consent under Water and Air Acts with validity up to 31.12.2021 and permission to extract water till 18.05.2019 but is extracting water from three tube wells for industrial as well as commercial purposes without requisite permission though renewal is sought.
5. That pursuant to the Order of this Hon'ble Tribunal dated 03.01.2019 in O.A No. 176/2015 (Shailesh Singh Vs. Hotel Holiday Regency, Moradabad & Ors.) and other connected matters, expressing concern over the unregulated withdrawal of ground water from Over-exploited, Critical and Semi-critical (OCS) Assessment Units in the country and emphasizing the need for strict regulatory regime, the answering respondent had decided not to grant NOC for ground water extraction to any Industry in OCS blocks.

That it was further pointed out by the Hon'ble Tribunal vide order dated 26.08.2021 that:

"7. From the document filed, neither the date on which the NOC has been granted is mentioned nor the procedure for assessing availability of the ground water in the area has been indicated nor there are any conditions subject to which NOC has been given in over exploited area".

7. It is respectfully submitted that Uttar Pradesh State Ground Water Management and Regulatory Authority has been constituted by the State Government of Uttar Pradesh under Uttar Pradesh Ground Water (Management & Regulation) Act, 2019 for the purpose of the regulation and management of ground water resources and issuing of NOCs

for ground water abstraction in the State of Uttar Pradesh and the said

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(Advocate)
NOTARY
Lucknow (U.P.)

12. That the Ground Water Department, Uttar Pradesh, has provided a copy of NOC issued to the unit Umang Dairies Limited to the answering Respondent. On perusal of the NOC, it is observed that the NOC incorporates the validity period as well as compliance conditions of NOC, which are roughly along the lines of compliance conditions of NOCs issued by CGWA. Necessary advisory to the department regarding requirement of other necessary conditions is under preparation.

True Copy of Letter dated 21.12.2021 received from Ground Water Department, Uttar Pradesh, is marked herewith and annexed as **ANNEXURE – III.**

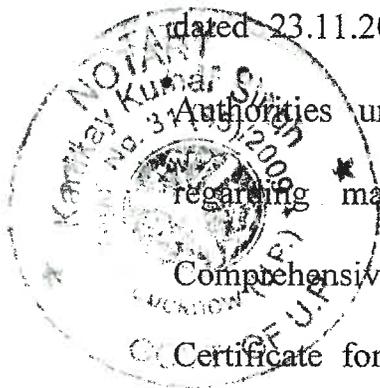
13. That it is respectfully submitted that the answering Respondent vide Order dated 23.11.2021 has also directed all the State / UT Ground Water Authorities under Section 5 of Environment (Protection) Act, 1986 regarding mandatory requirement of Impact Assessment Report / Comprehensive Hydrogeological Report for issuance of No Objection Certificate for ground water withdrawal by State / UT Ground Water Authority.

True Copy of Order dated 23.11.2021 issued by CGWA to all State / UT Ground Water Authorities, is marked herewith and annexed as **ANNEXURE – IV.**

14. That this Hon'ble Tribunal further noted that:

“Further, it is not clear whether grant of NOC by a State Authority obviates the requirement of NOC from CGWA, constituted under the Environment (Protection) Act, 1986 (EP Act), as per the said judgment and the judgment of this Tribunal

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 BEFORE ME dated 20.07.2020.”
 Kartikey Kumar Singh
 (Advocate)
 NOTARY



15. That it is submitted that CGWA Guidelines dated 24.09.2020: Ministry of Jal Shakti, GoI has notified Guidelines for ground water regulation vide SO. no. 3289(E) dated 24/9/2020. The Para 6 (Page 34) of the notification states that:-

“Wherever States/ UTs have come out with their own groundwater abstraction guidelines, which are inconsistent with the CGWA guidelines, the provisions of CGWA guidelines will prevail. However, in case the guidelines followed by such States/ UTs contain some more stringent provisions than CGWA guidelines, such provisions may also be given effect to by the States/ UTs Authorities in addition to those contained in the CGWA guidelines. States may be at liberty to suggest additional conditions/ criteria based on the local hydro-geological situations which shall be reviewed by CGWA/Ministry of Jal Shakti, Government of India before acceptance”.

It is also stated in the said Guidelines that:

“These guidelines will have pan India applicability. Ground water abstraction in States/ UTs (which are not regulating ground water abstraction) shall continue to be regulated by Central Ground Water Authority.”

16. It is pertinent to note that in *M.C. Mehta Versus Union of India, (1997) 11 SCC 312*, the Hon'ble Supreme Court has recorded the order dated 05.12.1996 passed on an earlier date wherein, the submissions made by Mr. M.C. Mehta has been considered.

The submissions recorded by the Hon'ble Court is being reproduced hereunder:

“Needless to say that any Institution/Department constituted by the

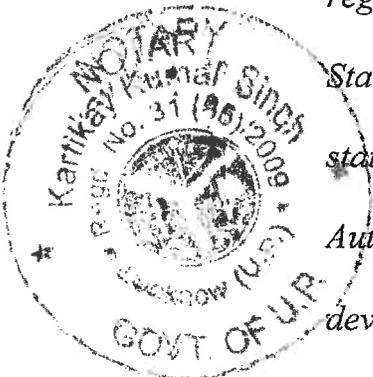
State Government can independently function in its own field with

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BEFORE ME
Kartik Kumar Singh
(Advocate)
NOTARY

the cooperation and under the guidance of the organization set up by the Central Ground Water Board."

Consequently, it was stated in the affidavit by Mr. Arun Kumar, the then Additional Secretary, Ministry of Water Resources, Government of India,

"that the suggestion to declare CGWB as an Authority under the EPA, 1986, for the purpose of regulation and control of ground water development has been considered by the Ministry of Water Resources and it has been decided to comply with the suggestions made by this court. It was further stated that the organizational presence of the Board in the country is not so extensive or adequate to undertake the additional burden desired by the Court and the regulation and control of ground water is the responsibility of the State Government, as water is a state subject. The affidavit further states that CGWB will collaborate and coordinate with the State Authorities in the regulation and control of ground water development."



The Hon'ble Court has further taken into consideration the submissions made by Mr. M.C. Mehta in response to the recommendations made by NEERI. The submissions recorded by the Hon'ble Court is being reproduced hereunder:

"It is no doubt correct that there are legislations in some of the States to regulate the water resources development, but by and large, the underground waters are being exploited all over the country without any regulations".

SWORN & VERIFIED
BEFORE ME
Karimay Kumar Singh
(Advocate)

NOTARY
LUCKNOW (U.P.) INDIA

Date 13/11/2022

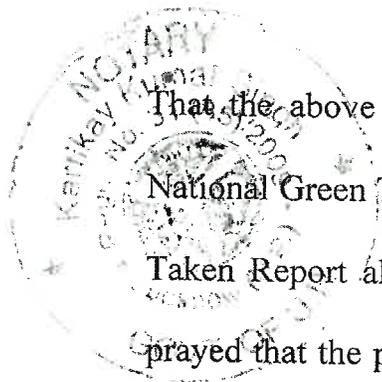
In view of the above, the Hon'ble Supreme Court directed the constitution of CGWB as an Authority under Section 3 (3) of the Environment (Protection) Act, 1986 noting that the Authority shall apply its mind and issue necessary

regulatory directions with a view to preserve and protect the underground water.

17. It is submitted that, CGWA/ MoJS has been issuing advisories/ recommendations to all States/ UTs to make provisions to regulate and manage ground water resources in accordance with CGWA Guidelines. It has also been communicated that in case the Guidelines followed by such States/UTs contain some more stringent provisions than CGWA Guidelines, such provisions may also be given effect to by the State / UT Authorities.

Thus, grant of NOC by any other authority constituted by the State Government will obviate the requirement of NOC from CGWA as long as the NOC has been granted by the State/UT Authority according to such provisions which are in harmony with CGWA Guidelines dated 24.09.2020.

That the above details are humbly submitted for perusal of the Hon'ble National Green Tribunal. In light of the aforementioned facts and the Action Taken Report already filed before the Hon'ble Tribunal, it is respectfully prayed that the present Original application may kindly be disposed of with appropriate orders as it deem fit.



VERIFICATION

Verified at Lucknow on this 4 January, 2022 that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.

कायालय प्रमुख
DEPONENT OFFICE
केन्द्रीय भूमि जल बोर्ड (उ.क्षे)
Central Ground Water Board (N.R.)
भारत सरकार
Government of India
लखनऊ-226021
Lucknow-226021

PREPARED & VERIFIED
BEFORE ME
Kankey Kumar Singh
(Advocate)
NOTARY
Lucknow (U.P.) INDIA

कायालय प्रमुख
DEPONENT OFFICE
केन्द्रीय भूमि जल बोर्ड (उ.क्षे)
Central Ground Water Board (N.R.)
भारत सरकार
Government of India

ANNEXURE-I

8

URGENT: NGT Matter

File no: - CGWA-21/19/2021-CGWA-Part(1) - 1239

Government of India
Ministry of Jal Shakti
Central Ground Water Authority
18/11, Jamnagar House, Mansingh Road
New Delhi - 110011
E-mail: cgwa@nic.in
Date - 02.11.2021

To,
The Director
Uttar Pradesh Ground Water Department
Ground Water Directorate
9th Floor, Indira Bhawan
Ashok Marg
Lucknow-226001

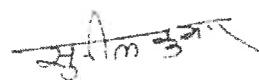
Subject: Kapil vs. CPCB & Ors. (O.A. No. 189/2020) before Hon'ble NGT - reg.

Sir,

This is in reference to the matter of Kapil vs. CPCB & Ors. (O.A. No. 189/2020) before Hon'ble NGT, New Delhi, wherein the Hon'ble Tribunal vide Order dated 26.08.2021 has noted that the NOC issued to Umang Dairies Limited by the Ground Water Department of UP is valid upto 11.07.2026 and *from the document filed, neither the date on which the NOC has been granted is mentioned nor the procedure for assessing availability of the ground water in the area has been indicated nor there are any conditions subject to which NOC has been granted in over exploited area.*

In view of the above and in exercise of the powers vested under Section 5 of the Environmental (Protection) Act, 1986 with this Authority, it is requested to provide General as well as Specific compliance conditions which are mentioned in the NOCs for ground water withdrawal issued by the Uttar Pradesh Ground Water Department along with a copy of NOC issued to Umang Dairies Limited, which is mentioned in the Order dated 26.08.2021.

Yours sincerely,



(Sunil Kumar)
Member Secretary

|| True copy ||

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ANNEXURE-II

REMINDER - I

MOST URGENT: NGT Matter

File no: - CGWA-21/19/2021-CGWA-Part(1)-1239

Government of India

Ministry of Jal Shakti

Central Ground Water Authority

18/11, Jamnagar House, Mansingh Road

New Delhi - 110011

E-mail: cgwa@nic.in

Date - 16.12.2021

To,

The Director
Uttar Pradesh Ground Water Department
Ground Water Directorate
9th Floor, Indira Bhawan
Ashok Marg
Lucknow-226001

Sub: Kapil vs. CPCB & Ors. (O.A. No. 189/2020) before Hon'ble NGT - reg.

Ref: CGWA, New Delhi letter no. CGWA-21/19/2021-CGWA-Part(1)-1239 dated
02.11. 2021.

Hon'ble NGT Order dated 26.08.2021 in the matter of the matter of Kapil vs.
CPCB & Ors. (O.A. No. 189/2020)

Sir,

Please refer to this office letter no. CGWA-21/19/2021-CGWA-Part(1)-1239
dated 02.11. 2021, wherein it was requested to provide General as well as
Specific compliance conditions which are mentioned in the NOCs issued by the Uttar
Pradesh Ground Water Department along with a copy of NOC issued to Umang
Dairies Limited. But your response to CGWA's letter is still awaited.

It is again reiterated that in the matter of Kapil vs. CPCB & Ors. (O.A. No. 189/2020)
before Hon'ble NGT, New Delhi, wherein the Hon'ble Tribunal vide Order dated
26.08.2021 has noted that the NOC issued to Umang Dairies Limited by the Ground
Water Department of UP is valid upto 11.07.2026 and *from the document filed,*
neither the date on which the NOC has been granted is mentioned nor the procedure
for assessing availability of the ground water in the area has been indicated nor there
are any conditions subject to which NOC has been granted in over exploited area.

The captioned matter was listed before the Hon'ble on 09.12.2021, wherein no



representative from Uttar Pradesh Ground Water Department was present. The Hon'ble Court has verbally observed that strict ex-parte orders may be passed in the matter and the order has been reserved (Copy of Order dated 09.12.2021 is enclosed).

In view of the above and in exercise of the powers vested under Section 5 of the Environmental (Protection) Act, 1986 with this Authority, you are hereby directed to submit the following details on or before 15.12.2021. so that CGWA may take necessary action in the court matter:

1. General as well as Specific Compliance Conditions which are mentioned in the NOCs issued by the Uttar Pradesh Ground Water Department
2. Mechanism to enforce compliance of conditions of No Objection Certificate issued by Uttar Pradesh Ground Water Department.
3. Technical competence of officers processing / issuing No Objection Certificate and checking compliance conditions of No Objection Certificate.
4. Constitution of an Expert Committee and procedure to ascertain Impact Assessment of extraction of ground water by the unit.
5. A copy of NOC issued to Umang Dairies Limited, mentioned in the Order dated 26.08.2021.

Being a time-bound court matter, this may kindly be accorded highest priority.

Yours faithfully,

(Sunil Kumar)
Member Secretary

Copy to: The Regional Director, CGWB, Northern Region, Bhujal Bhavan, Sector-B, Sitapur Road Yojana, Ram Ram Bank Chauraha, Lucknow, Uttar Pradesh-226021- for pursuance with UPGWD.

(Sunil Kumar)
Member Secretary


Digitally Signed by Sunil
Kumar
Date: 16-12-2021 16:34:26
Reason: Approved

11 True copy 11

ANNEXURE-III

मा० एन०जी०टी० / अति आवश्यक / ई०मेल० द्वारा।

फोन नं०-0522-2287063 (कार्यालय)

फोन नं०-0522-2287233 (कार्यालय)

फैक्स नं०-0522-2286471 (कार्यालय)

Website: <http://upgwd.gov.in>

E-mail : upgwd.in@gmail.com

प्रेषक,

निदेशक,

भूगर्भ जल विभाग, उ०प्र०,

9वाँ तल, इन्दिरा भवन, अशोक मार्ग,

लखनऊ।

सेवा में,

सदस्य सचिव,

केन्द्रीय भूमिजल प्राधिकरण,

18/11, जामनगर हाउस, मानसिंह रोड,

नई दिल्ली-110011

पत्रांक:- 1620/मू०ज०वे०/एस-26(एन०जी०टी०)/

दिनांक/लखनऊ/दिसम्बर 21

,2021

विषय- कपिल बनाम केन्द्रीय प्रदूषण नियंत्रण बोर्ड व अन्य(ओ०ए० सं०-189/2020) द्वारा मा० एन०जी०टी०।

महोदय,

कृपया उपरोक्त विषयक अपने पत्र दिनांक 08-11-2021 एवं ई०मेल० दिनांक 17-12-2021 का संदर्भ ग्रहण करने का कष्ट करें। उक्त पत्र दिनांक 08-11-2021 द्वारा अवगत कराया गया है कि विषयांकित ओ०ए० सं०-189/2020 में मा० एन०जी०टी० द्वारा दिनांक 26-08-2021 को आदेश पारित किये गये हैं, जिसमें उल्लेख किया गया है कि NOC for extraction of ground water has been given by the Ground Water Department of UP which is valid upto 11.07.2026. A copy of the NOC has been filed. From the document filed, neither the date on which the NOC has been granted is mentioned nor the procedure for assessing availability of the ground water in the area has been indicated nor there are any conditions subject to which NOC has been given in over exploited area.

उक्त पारित आदेश दिनांक 26-08-2021 के क्रम में अवगत कराना है कि फर्म उमंग डेरी लिमिटेड को इस कार्यालय द्वारा निर्गत अनापत्ति प्रमाण-पत्र में निर्गत किये जाने का दिनांक 19-05-2019 अंकित है एवं आवश्यक दिशा-निर्देश भी एन०ओ०सी० के पृष्ठ भाग पर उल्लिखित हैं। उक्त निर्गत एन०ओ०सी० की छायाप्रति संलग्न कर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक-उपरोक्तानुसार।

भवदीय,

(दी०के० उपाध्याय)

निदेशक।



12

Ground Water Department
(Namami Gange & Rural Water Supply Department)
Ministry of Jal Shakti
Government of Uttar Pradesh

Form 8 (C)

**AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW /
EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK
USER OF GROUND WATER**

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC026536

VALID FROM 19/05/2019 TO 18/05/2024

Name of the Applicant	PANKAJ GUPTA		
Address of the Applicant:	Umang Dairies Limited		
Company Name:	UMANG DAIRIES LTD	Company Address	3 KM STONE, HASANPUR ROAD GAJRAULA, AMROHA, UP-244
Serial No. of Application Form	AMRH0421NIN0018	Date of Submission	03/04/2021
Specimen Signature of the User:			
Location particulars:			
District	Amroha (J.P.Nagar)	Block	GAJRAULA
J.L. No		Plot No.	152,155,156
Municipality/Corporation	GAJRAULA	Ward No.	CHHOYA
Holding No.			CHHOYA
Rate of Withdrawal (m ³ /hr.)	40.00	Date of Energization (In Case of Electric Pump)	19/01/1994

Particulars of the Proposed Well and Pumping Device:

Type of the Well	Tube Well/Boring	Purpose of the Well	Industrial
Assembly Size (For Tube Well)	40.00	Approx. Strainer Length (For Tube Well)	0.00
Diameter (For Dug Well)	0.00	Type of Pump to be Used:	Submersible
H.P. of the Pump:	20.00	Operational Device	Electric Motor
Maximum Allowable Rate of Withdrawal (m ³ /hr.):	40.00	Maximum Allowable Running Hours Per Day:	4.00
Maximum Allowable Annual Extraction of Ground Water:			24000

This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3k) and is valid subject to the observance of the conditions stated overleaf.

GENERAL CONDITIONS

- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization.
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters.
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands.
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration.
- In case, any of the particulars & information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage, this registration is liable for cancellation.

- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell/tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

S.No	Quantum of Ground water withdrawal (cum/day)	No of piezometers required	Monitoring Mechanism	
			Manual	DWLR with Telemetry
1	< 10	0	0	0
2	11 - 50	1	1	0
3	50- 500	1	0	1
4	> 500	2	0	2

- The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone taped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- The ground water quality has to be monitored twice in a year during ; re-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- A Permanent display board should be installed at piezometer/Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- SPECIFIC CONDITIONS:**
- (A) For Industrial User: No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
 - No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
 - All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
 - All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII) Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
 - Construction of observation well(s) (piezometer) (s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no.10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³ /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
 - The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc) shall store the harvested rain water in surface storage tanks for use in the industry.
 - Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
 - Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- (B) Infrastructural User: The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
 - In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
 - Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³ /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date :29/07/2021

Place: Amroha (J.P.Nagar)

This certificate is electronically generated and does not require digital signature



Ground Water Department
(Namami Gange & Rural Water Supply Department)
Ministry of Jal Shakti
Government of Uttar Pradesh

14

Form 3 (C)

**AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW /
EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK
USER OF GROUND WATER**

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC049507

VALID FROM 19/05/2019 TO 18/05/2024

Name of the Applicant	PANKAJ GUPTA		
Address of the Applicant:	Umang Dairies Limited		
Company Name:	UMANG DAIRIES LTD	Company Address	3 KM STONE, HASANPUR ROAD GAJRAULA, AMROHA, UP-244
Serial No. of Application Form	AMRH0421NIN0019	Date of Submission	03/04/2021
Specimen Signature of the User:			
Location particulars:			
District	Amroha (J.P.Nagar)	Block	GAJRAULA
J.L. No		Plot No.	152, 155, 156
Municipality/Corporation	GAJRAULA	Ward No.	CHHOYA
Holding No.			CHHOYA
Rate of Withdrawal (m ³ /hr.)	50.00	Date of Energization (In Case of Electric Pump)	25/09/2009

Particulars of the Proposed Well and Pumping Device:			
Type of the Well	Tube Well/Boring	Purpose of the Well	Industrial
Assembly Size (For Tube Well)	40.00	Approx. Strainer Length (For Tube Well)	0.00
Diameter (For Dug Well)	0.00	Type of Pump to be Used:	Submersible
H.P. of the Pump:	20.00	Operational Device	Electric Motor
Maximum Allowable Rate of Withdrawal (m ³ /hr.):	50.00	Maximum Allowable Running Hours Per Day:	15.00
Maximum Allowable Annual Extraction of Ground Water:	225000		

This No-Objection certificate authorizes the owner applicant (user) to sink a well in the location specified at Sl. (2) for extraction of ground water at a rate not exceeding that as shown at Sl. (3j), for Running Hours per day as shown at Sl. (3k), and for maximum allowable annual extraction of ground water as shown at Sl. (3l) and is valid subject to the observance of the conditions stated overleaf.

GENERAL CONDITIONS

In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization.
For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters.
The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands.
In case of any change of ownership of the existing well, fresh registration has to be obtained.
No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration.
In case, any of the particulars & information furnished by the applicant in his application for issuance of this registration is found to be incorrect during verification at any subsequent stage, this registration is liable for cancellation.

- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- **Guidelines for Installation of Piezometers and their Monitoring**

Piezometer is a borewell / tubewell used only for measuring the water level by lowering the tape/ sounder or automatic water level measuring equipment. It is also used to take water sample for water quality testing when ever needed. General guidelines for installation of piezometers are as follows:

- The piezometer is to be installed/constructed at the minimum of 50 m distance from the pumping well through which ground water is being withdrawn. The diameter of the piezometer should be about 4" to 6".
- The depth of the piezometer should be same as is case of the pumping well from which ground water is being abstracted. If, more than one piezometers are installed the second piezometer should monitor the shallow ground water regime. It will facilitate shallow as well as deeper ground water aquifer monitoring.
- No. of piezometers to be constructed & Type of water level monitoring mechanism shall be as per below table:

S.No	Quantum of Ground water withdrawal (cum/day)	No. of piezometers required	Monitoring Mechanism	
			Manual	DWLR with Telemetry
1	< 10	0	0	0
2	11 - 50	1	1	0
3	50- 500	1	0	1
4	> 500	2	0	2

- The measuring frequency should be monthly and accuracy of measurement should be up to cm. the reported measurement should be given in meter upto two decimal.
- For measurement of water level sounder or automatic water level recorder (AWLR)/ Digital Automatic water level recorder (DWLR) with telemetry system should be used for accuracy.
- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone tapped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
- A Permanent display board should be installed at piezometer/ Tube wells site for providing the location, piezometer/ tube well number, depth and zone tapped of piezometer/tube well for standard referencing and identification.
- Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
- In case, any of the particulars / information furnished by the applicant in his application for issuance of this permit is found to be incorrect during verification at any subsequent stage, this permit is liable for cancellation.
- **SPECIFIC CONDITIONS:**
- (A) **For Industrial User:** No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
 - i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
 - ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources
 - iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to Ground Water Department, Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
 - iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no. 10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³ /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
 - v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
 - vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
 - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- (B) **Infrastructural User:** The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
 - i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
 - ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³ /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date :29/07/2021

Place:Amroha (J.P.Nagar)

This certificate is electronically generated and does not require digital signature



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Ground Water Department
(Namami Gange & Rural Water Supply Department)
Ministry of Jal Shakti
Government of Uttar Pradesh

Form 8 (C)

**AUTHORIZATION/ NO-OBJECTION CERTIFICATE FOR SINKING OF NEW /
EXISTING WELL FOR INDUSTRIAL/ COMMERCIAL/ INFRASTRUCTURAL OR BULK
USER OF GROUND WATER**

[Under Section 14 of the Uttar Pradesh Ground Water Management and Regulation Act, 2019.]

AUTHORIZATION/ NO-OBJECTION CERTIFICATE NO: NOC048652

VALID FROM 19/05/2019 TO 18/05/2024

Name of the Applicant	PANKAJ GUPTA		
Address of the Applicant:	Umang Dairies Limited		
Company Name:	UMANG DAIRIES LTD	Company Address	3 KM STONE, HASANPUR ROAD GAJRAULA, AMROHA, UP-244
Serial No. of Application Form	AMRH0421NIN0020	Date of Submission	03/04/2021
Specimen Signature of the User:			

Location particulars:

District	Amroha (J.P.Nagar)	Block	GAJRAULA
J.L. No		Plot No.	152, 155, 156
Municipality/Corporation	GAJRAULA	Ward No.	CHHOYA
Holding No.			CHHOYA
Rate of Withdrawal (m ³ /hr.)	50.00	Date of Energization (In Case of Electric Pump)	25/09/2009

Particulars of the Proposed Well and Pumping Device:

Type of the Well	Tube Well/Boring	Purpose of the Well	Industrial
Assembly Size (For Tube Well)	40.00	Approx. Strainer Length (For Tube Well)	0.00
Diameter (For Dug Well)	0.00	Type of Pump to be Used:	Submersible
H.P. of the Pump:	20.00	Operational Device	Electric Motor
Maximum Allowable Rate of Withdrawal (m ³ /hr.):	50.00	Maximum Allowable Running Hours Per Day:	15.00
Maximum Allowable Annual Extraction of Ground Water:			225000

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GENERAL CONDITIONS

- In case of any change of ownership of the proposed well, fresh authorization has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the proposed well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this authorization.
- For the purpose of measuring and recording the quantity of ground water extracted, every said user shall affix digital water flow meters (conforming to BIS/ IS standards) having telemetry system in the abstraction structure, which record rate and quantum of extraction, at outlet of pumping devices and it shall be presumed that the quantity recorded by the meter has been extracted by the said user, until the contrary is proved. The rate of extraction of ground water from the well as shown in item 3(k) shall not exceed to the recorded rate from water meters.
- The concerned Authority reserves the right to stop extraction of ground water from the well due to quality hazards or any other reasons, if the situation so demands.
- In case of any change of ownership of the existing well, fresh registration has to be obtained.
- No change of location, design, rate of withdrawal and pumping device in respect of the existing well as indicated at Sl. (2) and (3) of this certificate shall be made without prior permission of the Competent Authority. Any deviation in this regard shall lead to cancellation of this registration.
- In case, any of the particulars / information furnished by the applicant in his application for issuance of this registration is found to be incorrect/erroneous.

- The Certificate of Authorization/ NOC shall be valid for a period of five years from the date of issue. The applicant shall have to apply for renewal through a fresh application, at least ninety days prior to expiry of its validity.
- Construction of piezometers and installation of digital water level recorders with telemetry shall be mandatory for user. Depth and zone tapped of piezometer should be commensurate with that of the pumping well. The data, obtained from digital water level recorders shall be made available to this office on monthly basis
- Guidelines for Installation of Piezometers and their Monitoring

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- The measurement of water level in piezometer should be taken, only after the pumping from the surrounding tube wells has been stopped for about four to six hours.
- All the details regarding coordinates, reduced level (with respect to mean level), depth, zone taped and assembly lowered should be provided for bringing the piezometer into the Hydrograph Monitoring System for Ground Water Department, Uttar Pradesh, and for its validation.
- The ground water quality has to be monitored twice in a year during pre-monsoon (May/June) and post-monsoon (October/November) periods. Quality may be got analyzed from NABL approved lab. Besides, one sample (1 lt capacity bottle) to the concerned Director, Ground Water Department, Uttar Pradesh, for chemical analysis.
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- Any other site specific requirement regarding safety and access for measurement may be taken care of.
- Any other condition(s) that may be imposed by the concerned Authority.
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- **SPECIFIC CONDITIONS:**
- (A) For Industrial User: No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:
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 - iii) All industries abstracting ground water in excess of 100 m³/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to Ground Water Department Uttar Pradesh. All such industries shall be required to reduce their ground water use by at least 20% over the next five years through appropriate means.
 - iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in General Condition no. 10 shall be mandatory for industries drawing/ proposing to draw more than 10 m³ /day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 50 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Monthly water level data shall be submitted online to the Ground Water Department, UP.
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 - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution.
- (B) Infrastructural User: The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:
 - i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data online to Ground Water Department, UP as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by District Ground Water Management Council.
 - ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m³ /day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc

Date :29/07/2021

Place:Amroha (J.P.Nagar)

This certificate is electronically generated and does not require digital signature

|| True copy ||

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ANNEXURE - IV

File No. CGWA-28/2/2021-CGWA-1256
GOVERNMENT OF INDIA
MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES, RD & GR
CENTRAL GROUND WATER AUTHORITY
18/11, Jamnagar House, Man Singh Road, New Delhi

Date: 23.11.2021

ORDER

Subject: Directions under Section 5 of Environment (Protection) Act, 1986 regarding mandatory requirement of Impact Assessment Report / Comprehensive Hydrogeological Report for issuance of No Objection Certificate for ground water withdrawal by State / UT Ground Water Authority

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification Number S.O. 38(E), dated 14th January, 1997, followed by notification number S.O. 1124(E) dated 6th November, 2000 and S.O. 1121 (E) dated 13th May, 2010 of the Government of India in the Ministry of Environment & Forests, for the purposes of regulation and control of ground water development and management in the whole of India and to issue necessary regulatory directions.

And whereas, the Hon'ble National Green Tribunal, New Delhi vide Order dated 20.07.2020 in O.A. No. 176/2015 under para 29 has held that as per mandate of sustainable development under Section 20 of NGT Act, 2010, which has been held to be part of right to life under Article 21 of the Constitution, the regulatory authority must direct its policy towards preventing further depletion of and upgrading the groundwater levels based on impact assessment, and has further directed under para 39 (d) that "There must be **no general permission for withdrawal of ground water, particularly to any commercial entity, without environment impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee.**"

And whereas, the Authority has issued 'Guidelines to control and regulate groundwater extraction in India' vide notification number S.O. 3289(E) dated 24th September, 2020, notified by Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti, which have pan India applicability.

And whereas Sections 4.1(f) of the said MoJS Guidelines provide that "All projects extracting/proposing to extract ground water in excess of 100 m³/day in Over-exploited, Critical and Semi-critical areas shall have to mandatorily submit impact assessment report of existing/proposed ground water withdrawal on the ground water regime prepared by accredited consultants.

And whereas 4.2(c) of the said MoJS Guidelines provide that "Comprehensive report prepared by accredited consultant on ground water conditions in both core and buffer zones of the mine, depth wise and year wise mine seepage calculations, impact assessment of mining and dewatering on ground water regime and its socio-economic impact, details of recycling, reuse



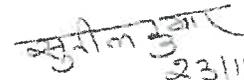
and recharge, reduction of pumping with use of technology for mining and water management to minimize and mitigate the adverse impact on ground water, based on local conditions.

And whereas 4.3(a) of the said MoJS Guidelines provide that "In cases where dewatering is involved, submission of impact assessment report prepared by an accredited consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc."

And whereas the Authority has authorized Rajiv Gandhi National Ground Water Training and Research Institute (RGNGWTRI) and National Accreditation Board for Education and Training (NABET) for accreditation of Ground Water Professional Agencies/ Individuals for preparation of Impact Assessment Report and Comprehensive Hydrogeological Report.

Now therefore, in view of the above and in exercise of the powers vested under Section 5 of the Environmental (Protection) Act, 1986, the Authority hereby gives the following directions:

1. The No Objection Certificate for ground water withdrawal shall not be issued to the Project Proponents without the mandatory submission of Impact Assessment Report / Comprehensive Hydrogeological Report, as the case may be, of the proposed project. The format of Impact Assessment Report and Comprehensive Hydrogeological Report are available on the official web-portal of CGWA.
2. The Impact Assessment Report / Comprehensive Hydrogeological Report shall be prepared by such consultant / hydrogeologist accredited by Rajiv Gandhi National Ground Water Training Institute and Research institute (RGNGWTRI) and such Ground Water consultant organizations accredited by National Accreditation Board for Education and Training (NABET). The list of accredited Individuals / Institutions is available on the official web-portal of CGWA.
3. The State / UT Ground Water Authorities shall constitute an Expert Committee of Members with suitable qualifications and experience, for the evaluation of Impact Assessment Report / Comprehensive Hydrogeological Report (prepared by accredited individual / organization) submitted by the project proponent, and only after needful appraisal / examination of such reports by the Committee, the No Objection Certificate for ground water withdrawal shall be issued to the Project proponent.
4. Necessary action in this regard may be taken by the State / UT Ground Water Authority and Action Taken Report may be submitted to this office within 3 months.


 23/11/2021
 (Sunil Kumar)
 Member Secretary

To
All State/ UT Ground Water Authorities

Copy to: The Chief Secretaries (as per the list attached)


 || True copy ||