

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**OA No. 16 OF 2014**

**IN THE MATTER OF**

Shri Hazi Arif,

President Rashtrya Kishan Brigade

.....Applicant

VS

State of U.P. & Ors.

.... Respondents

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**NDoH: 11.01.2022**

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Place: New Delhi

Date: 05.01.2022

**DRAWN & FILED BY:**

*Jagrati Singh.*

JAGRATI SINGH

Advocate for the Respondent No. 15

J-12, LGF, Jungpura Extinction New Delhi

Email: [advocatejagrati11@gmail.com](mailto:advocatejagrati11@gmail.com) +91- 9250208553

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**OA No. 16 OF 2014**

**IN THE MATTER OF**

Shri Hazi Arif,

President Rashtrya Kishan Brigade

.....Applicant

VS

State of U.P. & Ors.

.... Respondents

**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO. 15 I.E.**  
**CLOUD 9 BUILDERS IN PURSUANCE OF THE ORDER DATED**  
**16.12.2021 PASSED BY HON'BLE NGT (PB) IN EX APP No 18/17 IN OA**  
**NO. 16/2014 (IA NO. 172/2021)**

**MOST RESPECTFULLY SHOWETH:**

**PRELIMINARY SUBMISSIONS:**

It is respectfully submitted that the respondent herein i.e. Cloud 9 Builders (Aadi Best Consortium Pvt. Ltd. Was not a party in OA No 16/2014 However, it was made party on the basis of report of Committee appointed by Hon'ble Tribunal. Subsequently, respondent herein filed detailed reply to OA, objections to the report of Committee constituted vide order dated 7.10.2016 in Ex. App. 18/2017. The details of the same is mentioned in subsequent paras and are not being reproduced herein for the sake of brevity Therefore it is vehemently denied that the respondent herein never filed replies/objections.

## **PRELIMINARY OBJECTIONS**

1. That the applicant has No Locus to file the present OA, as mentioned in case of Balwant Singh Choffal [(2010) 3SCC 402] as applicant has not contributed anything towards environment.
2. That the present OA is not maintainable because of Mis-joinder of parties as the government agencies i.e. NHAI, Railways, etc. who have covered a major part of the drain under consideration, have not been made parties.
3. That the present OA is not maintainable because of Non-joinder of parties, UP Jal Nigam is not made party who is responsible for sewage network and disposal in the area.
4. That Sec 2 (m) of NGT Act, 2010: 'substantial question relating to environment' shall include:-
  - (i) There is direct violation of a specific statutory environmental obligation by a person by which:-
    - (A) The community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences;
    - or
    - (B) The gravity of damage to the environment or property is substantial ;
    - or
    - (C) The damage to public health is broadly measurable;

It is respectfully submitted that respondent herein has installed STP inside their premises and there is 100% discharge of treated water in

drain. Further, the respondent herein has obtained all required/mandatory NOC/Clearances from the concerned and authorized departments like Ghaziabad Nagar Nigam, Ghaziabad Development Authority, Pollution Control Department of U.P. etc. and respondent herein has never violated any law/rules /guidelines prescribed for the same.

5. Sec 20: Tribunal to apply certain principles:

Tribunal shall, while passing any order or decision or award, apply the principles of:

- Sustainable development
- The precautionary principle
- The polluter pays principle

That it is respectfully submitted that respondent herein itself maintaining the cleanliness of the drain as per the agreement entered with Ghaziabad Nagar Nigam. Further, it is residential complex wherein more than 5000 persons are living and they need safety as well as better livable. It is once again reiterated that respondent herein is not discharging any untreated effluents in drain rather they are cleaning the waste/garbage of the drain at their own expenses which is coming from the back. Thus the respondent is contributing in making better environment.

6. That Present OA is barred by period of Limitation , Sec 14 of NGT Act 2010. The OA is not supported by any Application for Condonation of Delay. (Already decided by the Hon'ble Tribunal in several other cases). In present

OA. Cause of action occurred in 2008 when policy decision was taken to cover the drain.

7. That as a well settled position Scope of Judicial Intervention is very limited in Conscious Policy Decision. In the present case policy decision was taken by Ghaziabad Nagar Nigam who is competent authority under the law.

8. That Notices were issued to the answering respondent on the basis of Expert Committee Report submitted in April 2014, It is pertinent to mention that no evidence/proof placed on record supported by scientific study /ENVIRONMENTAL ANALYSIS. The Committee submitted the report without going into the facts and giving any opportunity to be heard by the said Committee. The said report is vague and arbitrary as it was filed in haste without Considering and appreciating the history of construction of drain under consideration. It is respectfully submitted that the Drain No 1 is a manmade drain and only drain to channel the industrial waste and domestic discharge.

9. Those Municipal issues are matter of State List under Article 246 of the Constitution. Therefore Provisions of the UP Municipalities Act , 1916 are applicable in deciding the limits of municipal limit of Ghaziabad [ CHAPTER IX A : THE MUNICIPALITIES OF THE CONSITUTION OF INDIA] (Inserted by Constitution (Seventy Fourth Amendment ) ACT, 1992)

10. That Sec 2 (9) of the UP Municipalities Act defines “Municipality” means an institution of self Government [ referred to in Clause (e) of Article 242-P of the Constitution]

11. That Sec 2 (9-B) defines “Municipal Council” means the Municipal Council constituted under sub-clause (b) of Clause (1) of Article 243 –Q of the Constitution.

12. Article 243 W of the Constitution, “Powers, authority and responsibilities of Municipalities etc.” Listed in Twelfth Schedule”

13. Sec 2 (6) of the UP Municipalities Act , 1916 defines “DRAIN” as “ Drain includes a sewer, pipe, ditch , channel or any other device for carrying of sullage, sewage and polluted water, or rain water or sub soil water, together with pail depots traps, traps, sinks cisterns, flush, tanks and other fitting appertaining thereto,”

14. Sec 7 (c ) of the UP Municipalities Act, dealing with the ‘ Duties of the Municipality’ refer “ cleaning public streets, places and drains, removing noxious vegetation and abating all public nuiances:

15. Section 7 (h): “constructing, altering and maintaining public Streets, culverts, markets, slaughter –houses. Latrines, privies, urinals, drains, drainage, works of and sewerage works;”

16. THE UP MUNICIPAL CORPORATIONS ACT, 1959

(Sec 4: Article 243 of the Constitution)

Sec 2 (85) defines ‘DRAIN’

Sec 114: - Obligatory duties of the Corporation

Sec 128:- Permission

Sec 137 A: - Private Sector Participation Agreement

## CHAPTER X: DRAINS AND DRAINAGE

Sec 228:- Drains to be constructed and kept in repair by the Municipal Commissioner

Sec 231 & 232:- Alteration, etc., and discontinuance of drains

## CHAPTER XIV: - IMPROVEMENT SCHEMES

Sec 383-A: - PREPARATION OF DEVELOPMENT PLAN FOR THE CITY

17. Thus as per the provisions of the Section 228 and 231/232 of the U.P. Nagar Mahapalika Adhiniyam 1959, drain under consideration comes under Ghaziabad Nagar Nigam for all purposes. GNN is responsible for construction, repair, maintenance etc and since it is a man made corporation drain meant for the passage of sewage, industrial waste/effluents, domestic discharge, etc, therefore provisions of Water Act are not applicable.

18. That from the above, it is well established that Ghaziabad Municipal Corporation is competent authority to enter into agreement with private parties. Therefore GNN granted lease/license to various private plot holders/parties to cover said Drain along with other conditions which in-ter-alia included the license fee payable by Licensee/Lessee and proper cleaning and maintenance of the respective portion of the said Nalla/Drain No 1 and the same is being done under proper supervision of GNN.

19. That accordingly, letters were issued by Ghaziabad Municipal Corporation dated 27.01.2012, tax deposits slips, License Deed dated 27.02.2012 entered between Ghaziabad Municipal Corporation and respondent No. 15, and various clauses of License Deed are made accordingly. **Annexure - R/1**

20. That being Manmade drain, provisions of Water Act are not applicable, as the covering of drain is done under the approved plan with prior permission, Only provisions of UP Municipal Corporations Act will apply for the drain under consideration. The Hon'ble Tribunal has also permitted the same in several cases.

### **BRIEF FACTS/SUMMARY OF THE CASE**

21. That the Drain No 1 i.e. the drain under consideration is Manmade /constructed drain with brick lining for carrying treated industrial discharge and storm runoff originally, however now carries sewage as well in one of the most densely populated residential and industrial area. Important to note that this only drain for all the purpose.

22. That the Land for said drain was acquired somewhere in 1970 by UPSIDC to construct the drain substantiated by revenue records and SUPER IMPOSED MAP of UPSIDC.

23. That it is important to note that it carries waste water discharge from Delhi border to Hindon and Kalindi Kunj drain. It is further pertinent to mention that Topography of land does not support it to be a natural storm water drain.

24. That apart of this all type of waste out of animal husbandry activity on the banks and MSW by residents are also dumped into it apart from illegal sewage outlets by encroachers settled along the bank of the drain.

25. That there is no sewage network in the unauthorized /rural area and in planned colonies though sewer network is present, the entire sewerage flows through it only (booster pumps are there to discharge all sewage in this drain).

26. That the width of drain can take all three sources of discharge i.e. Domestic sewage discharge, industrial discharge and storm runoff water. Further UPPCB has accepted in their reply that drain has enough gradient for water flow and never accumulation or overflow takes place. It is pertinent to mention that because of brick lining, no chance of pollution of underground water so there is no chance of contamination of ground water.

27. Thus in nutshell, it is only an OPEN SEWER and poses great threat to health and safety of residents as well as to environment.

28. Only very limited part of total drain length is covered while projection is as if whole length of drain is covered. The said drain is man-made, corporation drain, exclusively under the control of the Ghaziabad Nagar Nigam for its building, repair, maintenance etc. in complete contrary to the Geomorphologic drainage system. Wherein the total length of the drain is approximately 13 KM and the covered area is approximately 13% of the total length of the drain that too include the bridge maintained by PWD over the GT Road, Link Road, Railway Line and Metro Line, which covers the major part of the drain. The respondent herein had not done any such act which is detrimental and can be considered as any irregular activity over the drain.

29. That the design of three box method to cover the drain was suggested by Civil Department IIT Roorkee and the same was approved by Ghaziabad Nagar Nigam. The most important issue is as per Water Act, covering of drains is permissible if it is not CAUSING OBSTRUCTION TO THE FLOW.

30. That the judgments of Hon'ble NGT in case of Manoj Mishra which allows to partially cover the drain where 80% construction is complete. In present case, 100 % construction is complete.
31. Godavari River in Trimbak, Hon'ble NGT allowed covering the part of river Godavari itself.
32. That various reports have been filed in Hon'ble Supreme Court by EPCA since 2000 and Apex court itself is monitoring the issue of sewage in the Sahibabad drain in the main matter of Yamuna River.
33. That Hon'ble NGT in present case in its Order dated 06.10.2016, observed that it is 'Man made Natural Storm Water Drain' and observed that sewage flows in the drain; of course, the Quantum of sewage was not presented before this Hon'ble Tribunal.
34. That three-member Expert Committee was formed by Hon'ble NGT vide the said judgment to examine the issue whether the covering of drain can be allowed with Master Plan/Larger Scheme where prior permission has been obtained by the parties to cover the drain.
35. However, the Committee gave a contradictory finding that goes against the observations/ direction made in judgment dated 6.10.2019, such as the very observation that it is a natural drain. The important aspect overlooked relates to examine the whole issue in proper perspective of sewage, discharge quantum and obstruction to the flow, if any.
36. That as per 'Shijra Map' of 1957 of the area Sahibabad, District Ghaziabad, Uttar Pradesh, no any drain /nala was situated at the place where presently a

Drain No 1 at Sahibabad, District Ghaziabad, Uttar Pradesh is situated and this land is shown as agricultural land. **Annexure –R15/2**

37. That in 1967, Drain No 1 Sahibabad came into existence following the acquisitions of agricultural land for the development of the area and the drain was created by merging three minor sewage drains at Shaheed Nagar, coming from various nearby colonies and connected to this drain at Surya Nagar, point of origin. The maintenance of this drain was under the Ghaziabad Development Authority and subsequently transferred to Ghaziabad Nagar Nigam.

It is important to mention that the drain has no any other source of water or natural reservoir or any natural feeding area for water.

Hence the drain No 1, Sahibabad, District Ghaziabad is a man made corporation drain only mean for the passage and removal of effluents, sewerage etc.

38. That the 'SUPERIMPOSE PLAN' of the UPSIDC pertaining to the Site No. 4, Sahibabad clearly mentions the "100" WD proposed drain. **Annexure – R15/3 (Colly)**

Further, rapid urbanisation and development alongwith fast industrialisation in the area increased population density, which led to more discharge of the effluents/sewage/industrial waste, etc in said drain. It cause release of Sulphur fumes, acidic gas/particles, other toxic and poisonous gases, persistent foul smell, breeding and spreading of mosquitoes and other parasites, resulting into serious health hazards and threat to life of human, animals, plant, microorganisms etc, It was also polluting ground water and disturbing the ecology of the area. Being aggrieved, the local residents of the

area made several representation to local authorities i.e, Ghaziabad Development Authority, Ghaziabad Nagar Nigam etc. to cover the drain.

39. That in 2005, Ghaziabad development Authority prepared a master plan 2021 and included the Drain No 1 in place of agriculture land. Moreover, nowhere Drain No 1 is mentioned as natural drain/stream. **Annexure – R15/4.**

40. That it is pertinent to mention that based on the request and representation by the residence of the area, the Ghaziabad Municipal Corporation got a technical feasibility report from the Civil Engineering Department of the IIT Roorkee to cover the drain No 1 of the Sahibabad. The Civil Engineering Department of the IIT Roorkee, in its technical feasibility report recommended covering up the said drain with box type channel design to stop air pollution, health hazards to human, animal and plant, water and soil pollution.

41. That on 16.05.2008, the technical feasibility report of the Civil Engineering Department of the IIT Roorkee and its recommendation to cover up said drain was taken up in the meeting of the board of Municipal Corporation of Ghaziabad and it took conscious policy decision in larger public interest to grant permission on selective basis.

42. That from 04.09.2008 onwards, Ghaziabad Nagar Nigam granted license/lease to various private plot holders/parties to cover the said drain alongwith the license with other conditions which interlaid include the license fee payable by licensee and proper cleaning and maintenance of the respective portion of the drain No 1, same is being done under proper supervision of the Nagar Nigam Ghaziabad.

43. That after getting the approval, the said drain was inaugurated by the Urban Development Minister, Govt. Of U.P. in presence of the Principal Secretary, Govt. Of U.P., District Magistrate Ghaziabad, Mayor Ghaziabad, Chairman Ghaziabad Development Authority and other dignitaries and representatives of social welfare organisations and public at large.

It is further pertinent to submit that to cover up the said drain was a conscious policy decision taken by the all concerned authorities in large public interest. The answering respondent and other interested parties were given license to cover the drain under public-private partnership and for that also paid agreed fee/charges as demanded by concerned authorities and also fulfilled other conditions imposed by them.

One of the condition with approval to cover up the drain was for cleaning of drain by respective adjacent plot holders and same are being done by them and there is no obstruction in said drain. There are proper cleaning provisions made in the covered drain including Sewerage treatment plant to ensure free flow of water through it and till date there is no any violation or complaint and alternately it is admitted fact on record that the drain is maintained properly by private parties. The capacity of the drain for flow of water is 120-125 MLD whereas presently it is running at 74 MLD approximately. Further, over the period of time due to outside shifting of industrial units and increase in domestic population the industrial discharge has decreased but the domestic discharge has increased.

Further, after covering the said drain, now it is free from dumping of solid waste but wherever it is open dumping of solid waste is continuing which is causing blockage in drain.

44. That the answering respondent is a company M/s Aadi Best Consortium (P) Ltd. And popularly known as 'Cloud 9' firm having its office at plot no RC ½, Sec -01, Vaishali Ghaziabad, Uttar Pradesh and involved in the business of development and building of residential houses and infrastructure and its projects are known as Cloud 9. Aforesaid project on plot allotted by the Ghaziabad development Authority was completed and after getting completion certificate for approx. 80 % of units from the authority concern, its possession have been given to the buyers and they are residing in the housing society built by the answering respondent and the population of said society consists of more than 5000 persons. It is further pertinent to note that as per the license deed entered with Ghaziabad Nagar Nigam and respondent herein, the only access i.e. entry and exit to residential complex is through drain only and the said plot is land locked from three sides.

It is pertinent to submit that while developing the said project the answering respondent has taken required permission and No Objection certificate from the all relevant department particularly NOC was granted from Pollution Control Department of Uttar Pradesh and Environmental clearance has also been taken from the respective department prior to the commencement of the project as well as to look after the water waste caused by the answering respondent has installed Sewerage Treatment Plant (STP) inside the society having 0% (Zero percent) emission of effluents in the drain under consideration.

45. That in OA No. 16/2014, Hon'ble NGT appointed a committee to carry out inspection and submit report. The said Committee visited the site on 12.03.2014 and in one go without going into the detail prepared a report in haste submitted to Hon'ble National Green Tribunal.

It is pertinent to mention that this report was prepared by the said committee only on the basis of the general observations and without any basis or proof or going into the facts on records about the history of the said drain, its origin, creation and existence, its development, maintenance and ground reality on risk and hazard to the life and properties of the neighbouring residents. The said report was prepared within few hours of visit by the committee on 12.04.2014.

Further the said committee did not follow the due process in preparation of the report as interested parties were neither informed nor heard nor asked for their representation, hence it is against the principle of natural justice. Hence the said report has no value in the eyes of law and cannot be relied upon for any purpose.

46. That the Uttar Pradesh Pollution Control Board filed their reply in OA No 16/2014 and categorically stated on the basis of the records and facts that the drain No 1, is a man made drain. On the basis of the reply, records and facts stated by the Uttar Pradesh Pollution Control Board and Moreover the layout plan attached with the reply as Annexure -2 of the said reply, the Hon'ble National Green Tribunal categorically found that the Drain No. 1 was a man made drain.

47. That the answering respondent also filed reply to OA No 16/2014 on 29.06.2015 inter alia stating that the Drain No 1 is a man made drain and looking into the health hazards to the public at large in surrounding area of the drain caused due to the release of toxic and poisonous gases in open air, its covering is essential. It is further pertinent to mention that the only access to the plot (which is a residential complex) of answering respondents is through drain. **Annexure –R15/5.**

48. That Hon'ble National Green Tribunal in its order dated 07.10.2016 passed in the OA No 16/2014 categorically stated in its order that 'drain under consideration' can be viewed as MAN MADE DRAIN' and further appointed a committee to submit its report.

49. That Execution No 18/2017 was preferred by the applicant. Further, the Committee constituted vide order dated 07.10.2016 submitted its report before Hon'ble NGT on 12.10.2017. It is pertinent to mention that the said Committee has given report beyond its mandate and has contradicted the findings of the Hon'ble NGT passed in the order dated 07.10.2016 that the drain under consideration 'can be viewed as Man Made storm water drain' but the said committee in its report has changed the nature of drain as natural drain in contrary to the findings of the order dated 07.10.2016 without going into the detail of origin, nature and history of the said drain. Hence the report of the said committee was without jurisdiction and an overreach of the power, authority and mandate given to the committee.

50. That the answering respondents was not made party in the execution application 18/2017, hence an impleadment application being MA No 98/2018 was filed on 05.12.2017 and same was allowed vide order dated 08.02.2018 and became Respondent No 6 in the Execution Application 18/2017. Subsequently answering respondent also filed objections to the report of committee dated 12.12.2017. **Annexure –R15/6**

51. That Hon'ble National Green Tribunal without considering the objections taken by answering respondents, on 08.04.2019 directed all the authorities to file their reply. Thereafter, Ghaziabad Nagar Nigam in its reply to the Execution Application No 18/2017 has categorically stated that the Drain No 1 of Sahibabad is manmade and has been developed by the UPSIDC and

after its development, handed over to the Ghaziabad Nagar Nigam for its maintenance. It further states that there is no any unauthorised construction / cover over the drain and only covered at those places where permission has been granted are existing and same were granted looking into the health and safety threat to the public at large.

52. That being aggrieved by the order dated 08.04.2019 passed by the Hon'ble National Green Tribunal, answering respondent filed another application No 35/2019 on 30.04.2019 for the review of the order dated 08.04.2019.

**Annexure –R15/7.**

53. That the committee constituted vide order dated 07.10.2016 submitted additional vague and arbitrary report on 03.05.2019.

54. That being aggrieved by the recommendations made in both reports submitted by the Expert Committee, respondent herein approached Dev ELT Consultants headed by Dr Devendra Kumar Agrawal, former Expert Member, National Green Tribunal and got detailed report prepared by using the scientific methods based on latest technology and record available on the status of the said drain regarding its Catchment Area, Drainage, Sewerage Network, Land Use etc and various issues under consideration.

55. That the answering respondents (Respondent No 6 in Ex App 18/2017) preferred IA No 465/2019 in Ex App 18/2017 in OA No 16/2014 on 03.09.2019 for taking the said report. **Annexure-R15/8.**

56. That it is respectfully submitted that said report of expert member Dr Devendra Kumar Agarwal has reconfirmed the same and has observed at page 3 of its report that :-

“...Figure 1 presents the contour map of the catchment to highlight the fact that the entire catchment area of Sahibabad Drain No. 1 is not a low-lying area or depression as such. It clearly indicates that Sahibabad Drain was not constructed simplicitor for discharge of accumulated storm runoff in a low-lying area rather it was meant for discharge of storm runoff as well as discharge of waste water from Sahibabad Industrial Area established somewhere in 1980.”

57. That it is further pertinent to mention that the said report had specifically observed that about 94 MLD sewage flows through the Sahibabad Drain rendering it to ‘OPEN SEWER’. Further the total quantum of sewerage and industrial waste water during non – monsoon is about 139 MLD which makes Sahibabad Drain a ‘OPEN SEWER’.

58. That report further considered total storm water runoff of the catchment area of Sahibabad Drain and mentioned on page 6 of this report that:-

“...Taking the area of the catchment, the storm runoff to be handled at the outlet at the time of peak discharge works out to be almost 59 cubic meter per second and if to this, quantum of sewerage and industrial waste water is added, the total discharge to be handled by the Sahibabad drain (or OPEN SEWER) works out to the extent of 61 cubic meters per second.

59. That it is further observed in the said report that:-

“..In order to assess the adequacy of the Sahibabad drain (or OPEN SEWER) in handling the peak discharge; cross-

sections of the drain were physically measured at few locations and are depicted in Figure 8. At these locations, using float method, velocity of the flow in the drain was also recorded and is mentioned in Figure 8 itself. It may be seen that at the final outlet location, the velocity was 0.90 m/second thus indicating that the cross-sectional area needed to handle peak discharge of sewerage, storm runoff and industrial waste water is 68 square meters; whereas the cross-sectional area of the Sahibabad drain (or OPEN SEWER) at this location is almost 72 square meters highlighting that under normal circumstances, the drain is well capable of handling the peak discharges.”

60.It further observes that :-

“...During the ground truthing survey of the entire drainage network, it was observed that entire drain (or OPEN SEWER) is lined with bricks and mortar so as such the purpose of recharge is defeated apart from any likelihood of impacting the ground water quality. It was also observed that development of residential areas (authorized and unauthorized) has led to discharge of sewer discharge into the drain (or OPEN SEWER) including its tributaries. Pipe lines discharging sewage can be seen all along the length of the drain and its tributaries. Illegal encroachment on the banks of drain by cattle owners were noticed in BrajVihar area and discharge of dung and liquid waste was noticed. Illegal animal slaughtering and discharge of waste water (untreated) is also at few locations. Dumping of MSW

(Municipal Solid Waste)in large quantities by unauthorized settlers on the banks of drain is obstructing the flow at numerous locations. Representative photographs of lining, discharge of sewerage into the drain and illegal dumping of animal waste, MSW, etc. are enclosed as Figure 9.

61. That in order to get fair idea of the quality of waste water in drain (OPEN SEWER), water quality samples were collected by the Expert Member from different locations and were analysed from the NABL accredited laboratory which further confirms that the waste water in the drain nothing but sewage water at all locations.

62. That it is very well proved from the above that the said Sahibabad Drain is nothing but a OPEN SEWER. This fact can be verified from the concerned authorities. The applicant has deliberately not made UP Jal Nigam as a party so that correct nature of waste water flowing in the drain can never be examined.

63. That it further leaves the more important question whether the said drain can be left open which flows through densely populated residential area. It is further pertinent to mention that the respondent herein had been allotted the said land by authorities to cover the drain to provide access to plot (entry and exit both, land locked from other three sides) from the road as well as to prevent any accident/mishappening and presently almost 1300 flats are built up and sold creating the third party rights. Further the respondent herein are maintaining green cover over the covered drain and contributing more to the

environment. Copy of the site is placed as **Annexure –R15/9**. Further as already mentioned that the respondents herein have installed the STP inside the premises and releasing 100% treated water into the drain. The respondent herein get examine STP treated/outlet water quarterly and latest report of the same is placed as **Annexure –R15/10**.

64. That it is further important to note the discrimination made by the applicant in making the parties to present OA. In the present petition, there is Misjoinder of parties as if the source of pollution load in the drain is from sewage and the applicant has not made appropriate respondents a party. Not a single grievance has been raised by the applicant against sewage discharged by the authorized and unauthorized settlements. Same is true for dumping of MSW into the drain.

65. That another important fact is that only 14.75% (0.907 km out of 6.149 Km from Railway Crossing to NH 24) and 20.64% Km 0.322 Km out of 1.56 Km of residential area) is covered and the rest of the drain is open which proves that there is no problem of access for cleaning the drain. Further the responsibility of cleaning the area of covered drain is responsibility of the respective respondent and for that they pay highest charges/taxes to Ghaziabad Nagar Nigam and Ghaziabad Nagar Nigam in turn in case of any violation related to cleaning and maintaining of covered area of drain takes penal action against the respective party.

66. That it is further quite ironical that the said Committee was also formed by the Hon'ble Tribunal in Manoj Mishra Vs. Union of India and Ors ( As per Judgment dated 13-01-2015 in Original Application No. 6 of 2012 pertaining

to clean and rejuvenated Yamuna River Delhi as well as 300/2013 pertaining to drainage system in NGT of Delhi). It is pertinent to mention that in the said order, the Hon'ble Tribunal allowed in Delhi to cover the drain falling in Delhi with the permission of the Hon'ble Tribunal wherein already 85% work is completed which implied to making it prospective in nature.

67. That in a similar matter, Pune Zonal bench of Hon'ble NGT in the matter of Smt Shinde Vs CEO, Nashik (OA No. 13/2014 (WZ) had observed that "we are not inclined to accept the prayer of the Applicants for removal of the concrete structures covering the river."

It is important to note that the issue under consideration before the Hon'ble NGT was that State and the Trimbak Municipal Council (TMC) have grossly intervened in the natural flow of River Godavari, even to the extent that many of the stretches of the River and its tributaries are blatantly covered and encased in R.C.C. box culverts, making the River disappear for much of its length in the TMC area.

68. That It is evident from the abovementioned cases that the Hon'ble Tribunal has itself permitted the covering over drain and river with certain conditions. Moreover, the issue under consideration here is also raised before Hon'ble Supreme Court and various reports have been submitted by EPCA since 2000.

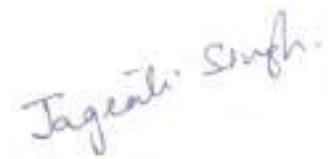
69. That it is further submitted that the waste water/discharge in Sahibabad Drain is sewage water and it cannot be left open for various reasons including safety of people living in nearby residential area, its damaging effect to environment and health issues involved.

70. That in view of the aforementioned facts and circumstances, it is clear that the report submitted by the Committee on 24.04.2014 is vague, arbitrary, prepared without following the due process of law and against the principal of natural justice, hence needed to be rejected. Further, the present OA is also devoid of merits and is liable to be dismissed with cost.

Place: New Delhi

Date: 05.01.2022

**DRAWN & FILED BY:**



JAGRATI SINGH

Advocate for the Respondent No. 15

J-12, LGF, Jungpura Extinction New Delhi

Email: [advocatejagrati11@gmail.com](mailto:advocatejagrati11@gmail.com) +91- 9250208553

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

**OA No. 16 of 2014**

**IN THE MATTER OF**

Shri Hazi Arif,

President Rashtrya Kishan Brigade

...Applicant

Versus

State of U.P. & Ors.

...Respondent

**AFFIDAVIT**

I, Amit Kumar Jain S/o Shri Ram Kishor Jain, R/o House No. 24-A, First Floor Gali No. 02 Near Jain Mandir Radhey Puri, New Krishna Nagar, East Delhi-110051, presently at New Delhi, do hereby solemnly affirm and state as follows:-

1. That the accompanying Submissions have been drafted on my instructions and I am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. I state that, the Company has been granted a lease by the Cloud 9 Builders to operate Respondent No. 15
3. That the contents of accompanying submissions are true and correct to the best of knowledge, belief and derived from the record and nothing is false therein.

I identified the deponent who has signed/put in my presence.

CERTIFIED THAT THE DEPONENT  
Shri/Smt./Km.....  
S/o W/o D/o.....  
Identified by.....  
his solemnly sworn before me at Delhi  
On.....  
if the contents of the affidavit which  
have been read & explained to me are  
true and correct to his & knowledge

For AADI BEST CONSORTIUM PVT. LTD.

Director / Authorised Signatory

DEPONENT

**Verification:**

Verified at New Delhi on this 05 day of Wednesday, 2022 that the contents

05 JAN 2022

of the above affidavit are true and correct to the best of my knowledge and

no part of it is false and nothing material has been concealed there from.



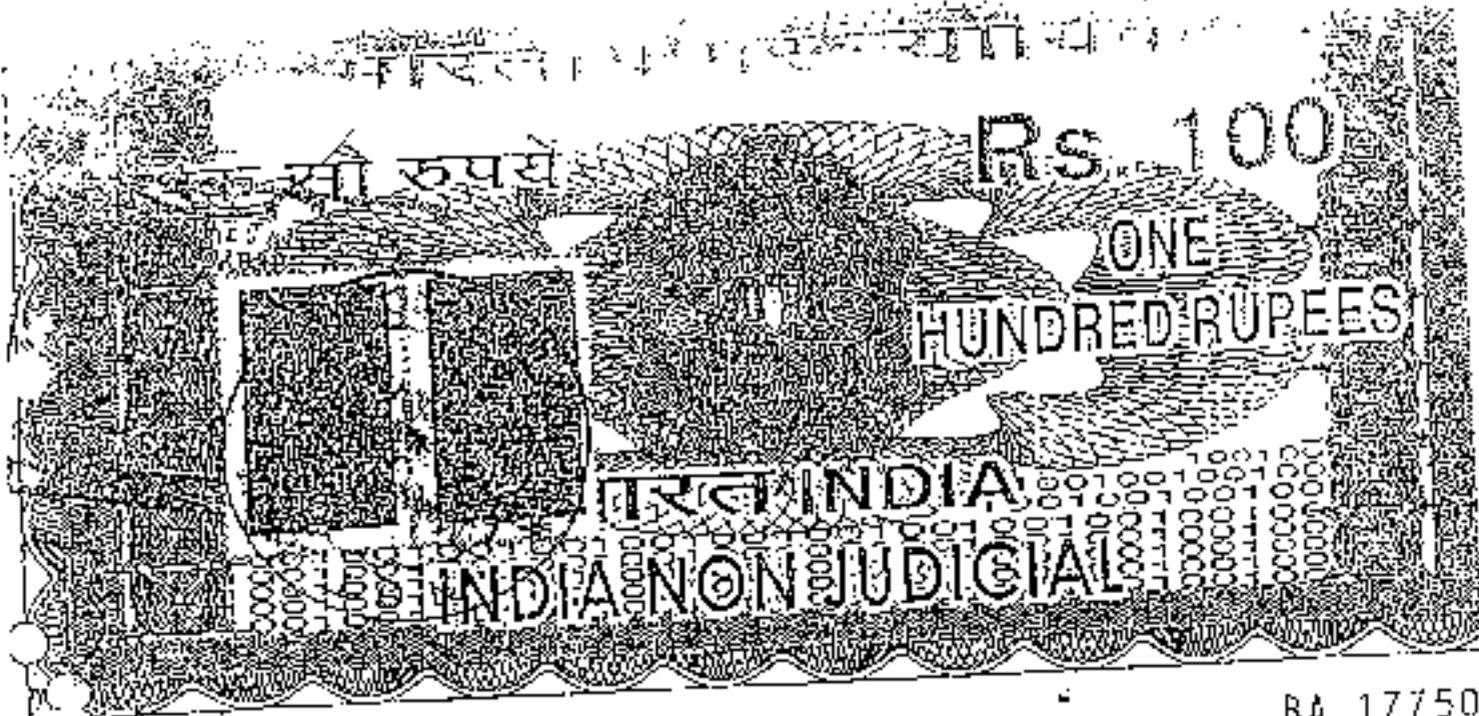
05 JAN 2022

For AADI BEST CONSORTIUM PVT. LTD.

Director / Authorised Signatory

DEPONENT

64



BA 17750

Annexure A-4

उत्तर प्रदेश UTTAR PRADESH

License Deed



This License deed agreement is made on this 027 day  
of 03 11 two thousand and eleven between Nagar Nigam Ghaziabad  
through its authorized signatory CHIEF ENGINEER, GHAZIABAD NAGAR NIGAM, a  
body corporate constituted under the Nagar Nigam Act (herein after called the  
LICENSOR which expression shall unless the context does not so admit include its  
assignee and successors) of the one part and M/S AADI BEST CONSORTIUM  
(P) LTD. A company incorporated under companies' act 1956 through its authorized  
signatory MR. AMIT KUMAR JAIN, DIRECTOR, here in after called the  
LICENSEE who is carrying the business over the Plot No. RC-1/2, Sec. 01,  
VAISHALI, GHAZIABAD, which is towards west of main.

For M/S AADI BEST CONSORTIUM LTD

*[Signature]*  
(Handwritten text in Hindi)

*[Signature]*  
(Handwritten text in Hindi)

027/01/11

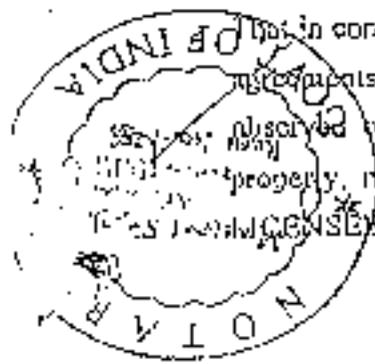
Where as the nala here in after described. forms part of the nala belongs to the LICENSOR, Nagar Nigam, Ghaziabad has the right and is the competent authority to enter in to this LICENSE agreement with LICENSEE.

Where as the LICENSEE the said nala (with permission to cover) and the LICENSOR has agreed to take the nala on LICENSEE basis for a period of twenty eight years on the term and condition here in after appearing, for the purpose of constructing i.e. covering the drain which is in east of LICENSEE'S plot/premises whose area is about 2160 Sq. M. and without providing passage to the LICENSEE it is not possible to use the plot No. Plot No. RC-1/2, SEC. 01, VAISHALI, GHAZIABAD which is on the west side of nala. The plot/premises of the LICENSEE is surrounded by plot / premises of other persons and the only way is towards east and the LICENSEE is using the same passage for going to his plot/premises.

That the LICENSEE is desirous to construct pulia (RCC cover on entire length & width in front of premises) for reaching his property situated on the west side of the nala with due permission. That the nala is to be covered for safety, to avoid bad smell (which is harmful for the health) and is unhygienic for the persons coming to the LICENSEE plot/premises.

NOW THE INDENTURE WITNESSETH AS UNDER :

That in consideration of the license fee hereby reserved and the covenants, conditions and stipulations here in after contained and on the part of the LICENSEE'S to be paid, observed or performed, the LICENSOR do here by demise into the LICENSEE the property, more particularly described in the schedule hereto, hold the same unto the LICENSEE.



*[Signature]*  
LICENSOR  
NAGAR NIGAM  
GHAZIABAD

*[Signature]*  
LICENSEE  
VAISHALI  
GHAZIABAD

FOR AND IN BEST CONSIDERATION OF...

*[Signature]*

4.9.1983

The LICENSEE consent to do as under in consideration to permission from LICENSOR to use already covered portion of nala permanently:-

1. That the Licensee has and area of 2160.0 Sq Mtr. Nala area, in front of their plot of land/ premises. The licensee fee of Rs.2,59,200/- is to paid in advance each year. At the time of executing of agreement, Licensee is to deposit Rs.5,18,400/- as two year Licensee fee, one time premium and one time security.
2. Licensee shall pay a security deposit of Rs.1,50,000/- to Licensor by way of Demand Draft/Cheque/Fixed deposit. The security is refundable after the License period and this security deposit does not attract any interest.
3. That the security deposit amount will be forfeited if the Licensee vacate the nala before the License period.
4. Licensee shall pay one time premium fee of Rs.100000/- by way of Demand Draft/Cheque.
5. Licensee shall pay a License fee for covered nala and area of 2160.0 M2 @ 120/- per Sq Mtr per year of the Licensor. The licensee fee of Rs.2,59,200/- is to paid in advance each year. At the time of executing of agreement, Licensee is to deposit Rs.5,18,400/-. As two year Licensee fee.
6. Licensee will pay this License fee with in 30 days of due date and payment beyond this period will attract interest @ 15% per annum.
7. Licensee has to pay this Licensee fee only by way of Demand Draft or Cheque and in no way cash will be accepted.
8. That the Licensee is liable to maintain the License property and has to bear the expenses of any type of beautification over the License hold property.

9. That the Licensee is to, bear entire cost of covering the nala and bear all expenses for construction of a permanent guard room or other temporary construction, as per his necessary on the License property.
10. Details of plot is shown as A, nala is shown as B, Kachhi road as shown as C, main road is shown as E in enclosed sketch (This approach shows as E can not be encroached by Licensee of all above for parking or other purpose by the licensor. That the land lying between nala and road in front of the licensee plot shown as also be given to the licensee (till road widening is done) at present green belt rates charges and condition fixed by Licensor.
11. That the Licensee shall bear the expenses of stamp on License deed and registration of this agreement.
12. That the lessee and sub-lessee (Owner and Tenant as per UPSIDC will not have the right to sub-License the covered nala without permission from Nagar Nigam Ghaziabad.
13. That if Licensee fail to deposit License fee for one year, then a notice under section 111 of Transfer of Property Act may be given by Licensor and this License will stand cancelled. Only after pay of unpaid License fee, interest there on and processing fee of Rs.50,000/- License may be restored on same terms and conditions.
14. The Licensee will bear all cost of such construction and will have full right and title of the construction thereon.
15. That Licensee will keep the nala in front of the premises clean, maintain its fiown, width and to stop floating and solid waste coming from previous source.
16. The Licensee can only display advertisement related to his business (Lessee and Sub-Lessee of UPSIDC) without any charges. In case if any other advertisement is entertain by Licensee that Licensor would have advertisement revenue rights.

17. In case Licensee is discharging any harmful effluent in the nala then the same has to be tested and treated before the same is discharged by Licensee.

The LICENSEE consent to do as under in consideration of LICENSE fee received by their:-

1. That the Licensor will not damage in any way the coverage portion constructed by Licensee on nala during the period of License.
2. That the Licensor will facilitate and issue recommendation letter to Licensee in case of any requirement from concerned authorities or government bodies.
3. Licensor will give preference to Licensee for allotment of parking rights in lieu of consideration in front of the Licensed nala during the period of License.
4. In case of any natural calamities, i.e. over-raining or nala choking, the Licensor may under take to get the nala cleaned by removing slabs, if required.
5. Nala silt clear in every year April & May from M/s. Aadi Best Consortium (P) Ltd.,
6. if any case your company can't work than, this work is completed by nagar nigam and you have to paid all expenditure.

Not Licensor and Licensee together consent as under:

1. That in any case this License agreement cannot be terminated before the period of twenty eight year of either party, unless there is breach of and condition of this license agreement.
2. That expiry of License period of twenty eight years, Licensee has an option to take the Licensee property further and if the Licensee his consent to the licensor than the Licensor has the right to deny or further let-out the License property on the new terms settled between Licensor and Licensee.

Witness sd/-

Sd/ For M/s. Aadi Best Consortium Pvt. Ltd

Sd/-

Director

THE LICENSEE consents to do as aforesaid in consideration of permission from LICENSOR to use already covered portion of nala permanently:-

1. That the LICENSEE has an area of 2160.0 Sq. Mtr. Nala area, in front of their plot of land / premises. The licensee fee of Rs 2,59,200/- is to be paid in advance each year. At the time of executing of agreement, LICENSEE is to deposit Rs 5,18,400/- as two year LICENSEE fee, one time premium and one time security.
2. LICENSEE shall pay a security deposit of Rs 1,50,000/- to LICENSOR by way of Demand Draft/Cheque/fixd deposit. This security is refundable after the LICENSEE period and this security deposit does not attract any interest.
3. That the security deposit amount will be forfeited if the LICENSEE vacates the nala before the LICENSEE period.
4. LICENSEE shall pay a one time premium fee of Rs 100000/- by way of Demand Draft / Cheque.
5. LICENSEE shall pay a LICENSEE fee for covered nala and area of 2160.0 M<sup>2</sup> @ 120/- per Sq Mtr per year of the LICENSOR. The licensee fee of Rs. 2,59,200/- is to be paid in advance each year. At the time of executing of agreement, LICENSEE is to deposit Rs 5,18,400/- As two year LICENSEE fee.
6. LICENSEE will pay this LICENSEE fee within 30 days of due date and payment beyond this period will attract interest @ 15% per annum.
7. LICENSEE has to pay this LICENSEE fee only by way of Demand Draft or Cheque and in no way cash will be accepted.
8. The LICENSEE is liable to maintain the LICENSEE property and has to bear the expenses of any type of beautification over the LICENSEE hold property.
9. The LICENSEE is to bear entire cost of covering the nala and bear all expenses for construction of a permanent guard room or other temporary construction, as per his necessity on the LICENSEE property.
10. Detail of plot is shown as A, nala is shown as B, Kachhi road as shown as C, main road is shown as E in enclosed sketch (This approach shown as D can not be encroached by



7/8  
Date: 12/12/2018

1

REX M'S KADI BEST CONSTRUCTION PVT. LTD.

*[Signature]*

REGD. OFFICE

land lying between road and road in front of the LICENSEE plot shall be given to the LICENSEE (if road widening is done) at present given but charges and condition fixed by LICENSOR.

- 11. That the LICENSEE shall bear the expenses of stamp on LICENSE deed and registration of this agreement.
- 12. That the lessee and sub-lessee (Owner and Tenant as per UPSIDC) will not have the right to sub-LICENSE the covered nala without permission from Nagar Nigam GHAZIABAD.
- 13. That if LICENSEE fail to deposit LICENSE fee for one year, then a notice under section 111 of Transfer of Property Act may be given by LICENSOR and this LICENSE will stand cancelled. Only after pay of unpaid LICENSE fee, interest there on and processing fee of Rs. 50,000/- LICENSE may be restored on same terms and conditions.
- 14. The LICENSEE will bear all cost of such construction and will have full right and title of the construction thereon.
- 15. That LICENSEE will keep the nala in front of the premises clean, maintain its flow, width and to stop floating and solid waste coming from previous source.
- 16. The LICENSEE can only display advertisement related to his business (LESSEE and SUB-LESSEE of UPSIDC) without any charges. In case if any other advertisement is entertained by LICENSEE that LICENSOR would have advertisement revenue rights.
- 17. In case LICENSEE is discharging any harmful effluent in the nala then the same has to be tested and treated before the same is discharged by LICENSEE.



*[Signature]*  
 1/1/2024

*[Signature]*  
 मुख्य अधिकारी  
 गाजियाबाद नगर निगम

FOR THE AADI BEST CONSORTIUM (PVT) LTD  
*[Signature]*  
 DIRECTOR

... LICENSOR shall be liable to pay the cost of maintenance of LICENSEE, as received by them:

1. That the LICENSOR will not damage in any way the coverage portion constructed by LICENSEE on nala during the period of LICENSE.
2. That the LICENSOR will facilitate and issue recommendation letter to LICENSEE in case of any requirement from concerned authorities or government bodies.
3. LICENSOR will give preference to LICENSEE for allotment of parking rights in lieu of consideration in front of the LICENSED nala during the period of LICENSE.
4. In case of any natural calamities, i.e. over-rainning or nala choking, the LICENSOR may under take to get the nala cleaned by removing slabs, if required.
5. Nala silt clear in every year April & may from M/S AADI BEST CONSORTIUM (P)LTD.
6. If any case your company can't work than, this work is completed by nagar nigam and you have to paid all expenditure.

Now LICENSOR and LICENSEE together consent as under:



That in any case this LICENSE agreement cannot be terminated before the period of twenty eight year by either party, unless there is breach of any condition of this license agreement.

On expiry of LICENSE period of twenty eight years, LICENSEE has an option to take the LICENSEE property further and if the LICENSEE his consent to the Licensor than the LICENSOR has the right to deny or further let-out the LICENSEE property on the new terms settled between LICENSOR and LICENSEE

Witness:

*[Handwritten signature]*

*[Handwritten signature]*

Part of AADI BEST CONSORTIUM PVT. LTD.

*[Handwritten signature]*

*[Handwritten notes and signatures]*

ATTESTED

*[Handwritten signature]*

The LICENSOR consents to do as under in consideration of LICENSE fee received by them:

1. That the LICENSOR will not damage in any way the coverage portion constructed by LICENSEE on nala during the period of LICENSE.
2. That the LICENSOR will facilitate and issue recommendation letter to LICENSEE in case of any requirement from concerned authorities or government bodies.
3. LICENSOR will give preference to LICENSEE for allotment of parking rights in lieu of consideration in front of the LICENSED nala during the period of LICENSE.
4. In case of any natural calamities, i.e. over-raining or nala choking, the LICENSOR may under take to get the nala cleaned by removing slabs, if required.
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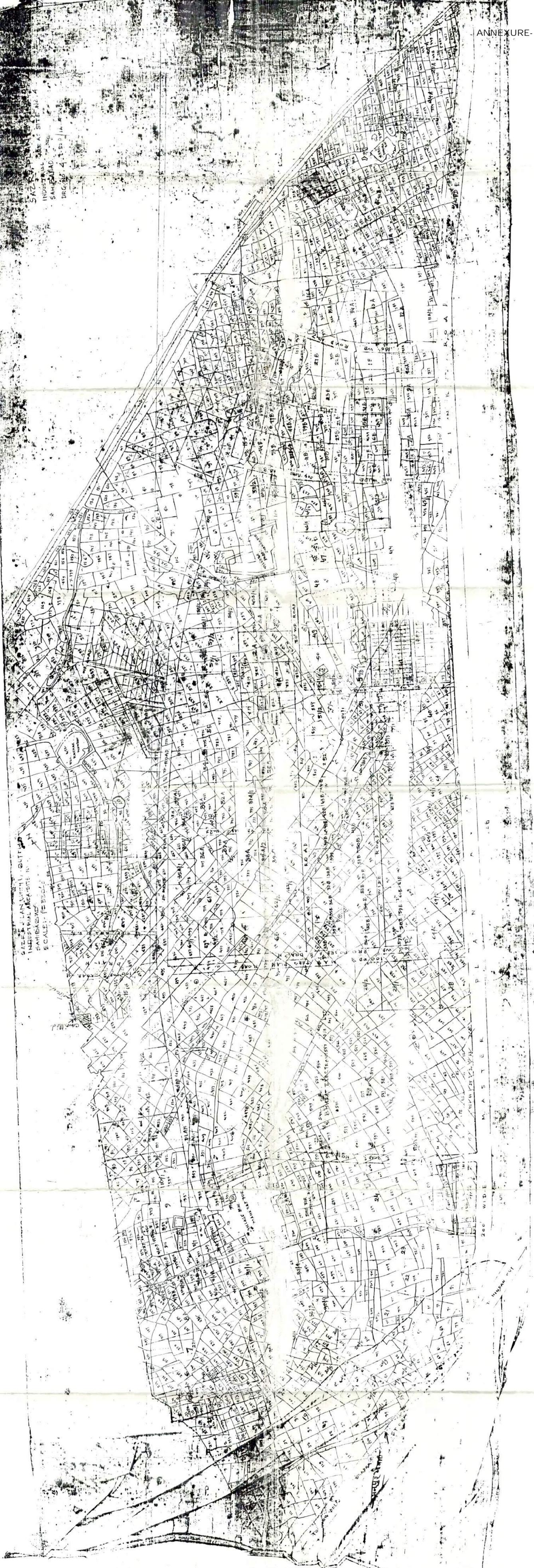
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Witness:

For M/S AADI BEST CONSORTIUM (P) LTD  
  
DIRECTOR

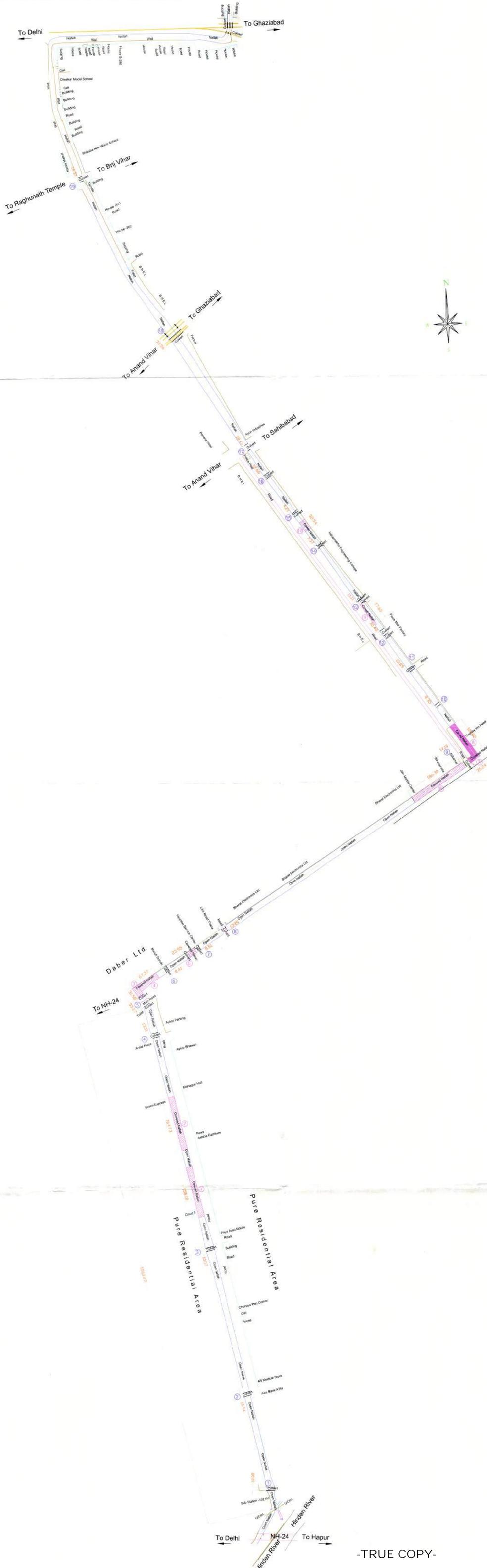
INDUSTRIAL AREA SITE NO. 4  
SAHIBSAD  
DRC NO. 4 T.S.P. 14.5.58

SIZE OF LANDS WITH OUTLINES  
INDUSTRIAL AREA SITE NO. 4  
SAHIBSAD  
SCALE: 1" = 500'



200 WIDE MASTER PLAN





| NALLAH COVERED NEAR PLOT ENTRANCE |        |
|-----------------------------------|--------|
| 1                                 | 158.38 |
| 2                                 | 164.73 |
| 3                                 | 67.37  |
| 4                                 | 21.58  |
| 5                                 | 23.95  |
| 6                                 | 186.38 |
| 7                                 | 35.21  |
| 8                                 | 188.82 |
| 9                                 | 77.6   |
| 10                                | 12.51  |
| TOTAL LENGTH IN METER 886.39      |        |

| UP GOVT. ROAD CULVERT        |       |
|------------------------------|-------|
| 1                            | 10.08 |
| 2                            | 10.44 |
| 3                            | 10.07 |
| 4                            | 13.51 |
| 5                            | 13.27 |
| 6                            | 8.41  |
| 7                            | 8.51  |
| 8                            | 13.2  |
| 9                            | 14.1  |
| 10                           | 8.35  |
| 11                           | 10.89 |
| 12                           | 30.48 |
| 13                           | 11.11 |
| 14                           | 7.37  |
| 15                           | 4.21  |
| 16                           | 12.66 |
| 17                           | 18.47 |
| 18                           | 33.56 |
| 19                           | 14.37 |
| TOTAL LENGTH IN METER 273.06 |       |

- Total Length From Shahdara - Ghaziabad Railway Track near Transport Area, (Sadq Nagar U.P) to NH-24 near Vaishali Sector-1 Ghaziabad = 6.149 Km
- Total Nallah Covered near Plot Entrance = 0.886 Km
- Percentage of Nallah Covered =  $(0.886/6.149) \times 100 = 14.40\%$
- Pure Residential Area = 1.56 Km
- Nallah Covered in Pure Residential Area = 0.322 Km
- Percentage of Nallah Covered in Pure Residential Area =  $(0.322/1.56) \times 100 = 20.64\%$

| LEGEND:-       |          |
|----------------|----------|
| DESCRIPTION    | SYMBOL   |
| Building       | [Symbol] |
| Covered Nallah | [Symbol] |
| Culvert        | [Symbol] |
| Fencing        | [Symbol] |
| Nallah         | [Symbol] |
| Pillar         | [Symbol] |
| Platform       | [Symbol] |
| Rail Track     | [Symbol] |
| River          | [Symbol] |
| Road           | [Symbol] |
| Shed           | [Symbol] |
| Tank           | [Symbol] |
| Temple         | [Symbol] |
| Road           | [Symbol] |
| Center Line    | [Symbol] |

Sheet Title  
Detail Survey Regarding Nallah Covered Area,  
From Shahdara Ghaziabad Railway Track Near,  
Sadq Nagar UP to NH-24 Near Vaishali Sector-1 Ghaziabad.

Client  
**Rishabh Cloud 9 Vaishali Ghaziabad.**

Surveyor's  
M/s N. K. Engineer's  
E-156, Street No-15, Alkox Nagar,  
Shahdara, Delhi 110093  
Tele Fax : (011)2803914/09811742269  
E Mail : nkengineers@gmail.com

Checked By -  
*[Signature]*

Scale: 1:4000 Project No. NK-089 Dwg No. 10107

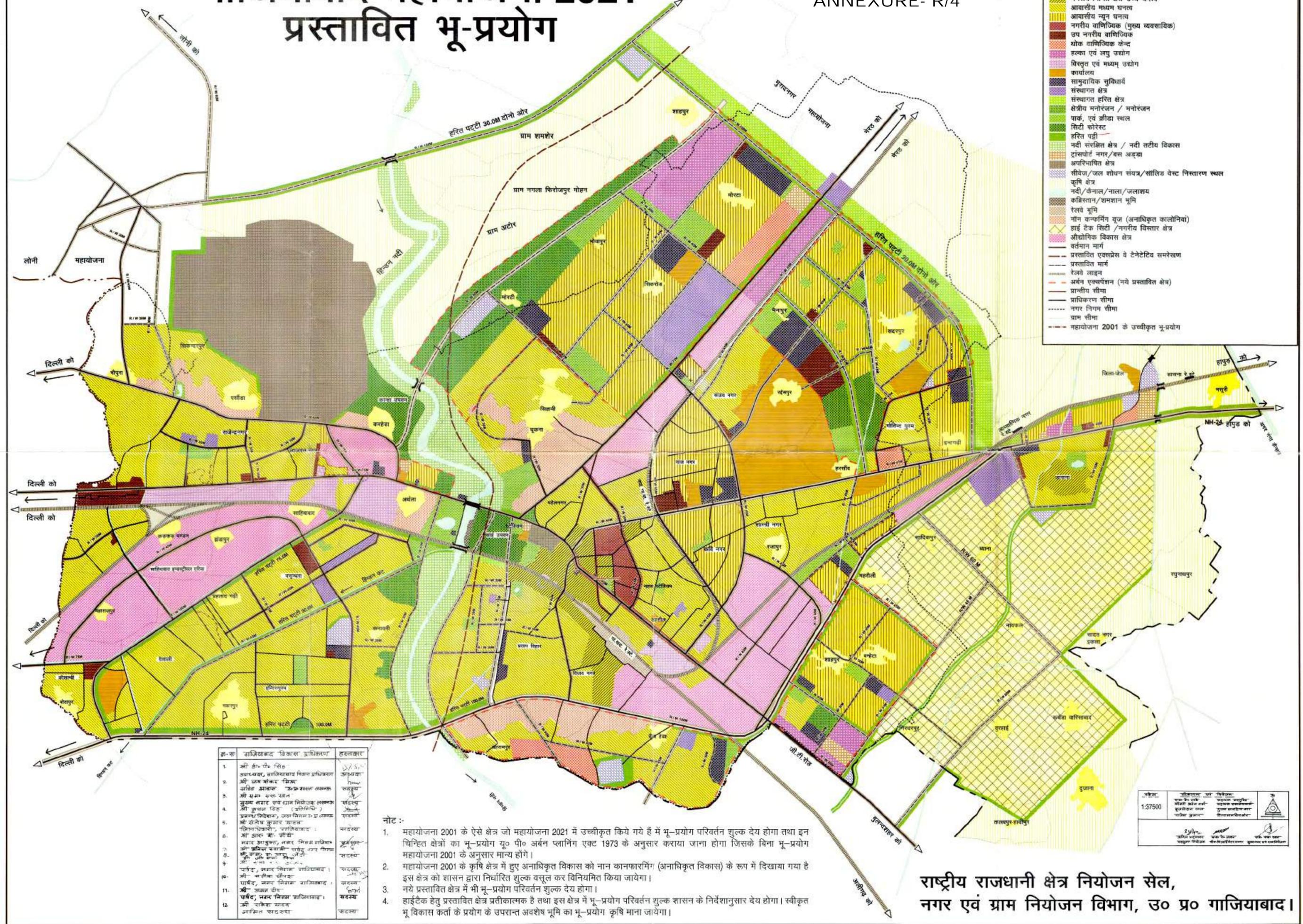
-TRUE COPY-

# गाजियाबाद-महायोजना-2021 प्रस्तावित भू-प्रयोग

ANNEXURE- R/4

**संकेतिका**

- ग्रामीण आवादी
- नगरीय निर्मित क्षेत्र उच्च घनत्व
- आवासीय मध्यम घनत्व
- आवासीय न्यून घनत्व
- नगरीय वाणिज्यिक (मुख्य व्यवसायिक)
- उप नगरीय वाणिज्यिक
- थोक वाणिज्यिक केन्द्र
- हल्का एवं तबु उद्योग
- विस्तृत एवं मध्यम उद्योग
- कार्यालय
- सामुदायिक सुविधाएँ
- संस्थागत क्षेत्र
- संस्थागत हरित क्षेत्र
- क्षेत्रीय मनोरंजन / मनोरंजन
- पार्क, एवं क्रीडा स्थल
- सिटी कोरिस्ट
- हरित पट्टी
- नदी संरक्षित क्षेत्र / नदी तटीय विकास
- ट्रांसपोर्ट नगर/बस अड्डा
- अपरिभाषित क्षेत्र
- सीमेज/जल शोधन संयंत्र/सांलिज वेस्ट निस्तारण स्थल
- कृषि क्षेत्र
- नदी/केनाल/नाला/जलाशय
- कस्बिस्तान/शमशान भूमि
- रेलवे भूमि
- नॉन कम्पारिग यूज (अनाधिकृत कालोनिया)
- हाई टेक सिटी/नगरीय विस्तार क्षेत्र
- औद्योगिक विकास क्षेत्र
- वर्तमान मार्ग
- प्रस्तावित एक्सप्रेस वे टैनेटेडिय समरेखण
- प्रस्तावित मार्ग
- रेलवे लाइन
- अर्बन एक्सपेंशन (नये प्रस्तावित क्षेत्र)
- ग्रामीण सीमा
- प्राधिकरण सीमा
- नगर निगम सीमा
- ग्राम सीमा
- महायोजना 2001 के उच्चीकृत भू-प्रयोग



| क्र.सं. | गाजियाबाद विकास प्राधिकरण            | हस्ताक्षर |
|---------|--------------------------------------|-----------|
| 1.      | श्री. के. पी. सिंह                   | ...       |
| 2.      | उप-महो. गाजियाबाद विकास प्राधिकरण    | ...       |
| 3.      | श्री. जय शंकर मिश्र                  | ...       |
| 4.      | मुख्य सहायक एवं धातु नियंत्रक इस्लाम | ...       |
| 5.      | श्री. सुभाष कुमार                    | ...       |
| 6.      | श्री. आर. बी. श्रीवास्तव             | ...       |
| 7.      | ...                                  | ...       |
| 8.      | ...                                  | ...       |
| 9.      | ...                                  | ...       |
| 10.     | ...                                  | ...       |
| 11.     | ...                                  | ...       |
| 12.     | ...                                  | ...       |

- नोट :-**
- महायोजना 2001 के ऐसे क्षेत्र जो महायोजना 2021 में उच्चीकृत किये गये हैं में भू-प्रयोग परिवर्तन शुल्क देय होगा तथा इन विहित क्षेत्रों का भू-प्रयोग यू० पी० अर्बन प्लानिंग एक्ट 1973 के अनुसार कराया जाना होगा जिसके बिना भू-प्रयोग महायोजना 2001 के अनुसार मान्य होंगे।
  - महायोजना 2001 के कृषि क्षेत्र में हुए अनाधिकृत विकास को नान कानफारमिंग (अनाधिकृत विकास) के रूप में दिखाया गया है इस क्षेत्र को शासन द्वारा निर्धारित शुल्क वसूल कर विनियमित किया जायेगा।
  - नये प्रस्तावित क्षेत्र में भी भू-प्रयोग परिवर्तन शुल्क देय होगा।
  - हाईटेक हेतु प्रस्तावित क्षेत्र प्रतीकात्मक है तथा इस क्षेत्र में भू-प्रयोग परिवर्तन शुल्क शासन के निर्देशानुसार देय होगा। स्वीकृत भू विकास कर्ता के प्रयोग के उपरान्त अवशेष भूमि का भू-प्रयोग कृषि माना जायेगा।

राष्ट्रीय राजधानी क्षेत्र नियोजन सेल,  
नगर एवं ग्राम नियोजन विभाग, उ० प्र० गाजियाबाद।

BEFORE THE NATIONAL GREEN TRIBUNAL (PB),

NEW DELHI

OA No. 16/2014

IN THE MATTER OF :-

Shri Hazi Arif

President Rashtrya Kishan Brigade

...Applicant

Vs

State of U.P. &amp; Ors.

... Respondents

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S. Singh

Place: New Delhi  
Date: 29.05.2015

Respondents

S. Singh

Through  
Jagrat Singh  
ocateAdv  
E-25, Basement,  
LajpatNagar-III,  
New Delhi

M : +91 925020553

29/5/15  
11/7/15

BEFORE THE NATIONAL GREEN TRIBUNAL (PG),

NEW DELHI

OA No. 16/2014

1043

IN THE MATTER OF :-

Shri Hazi Arif,

President Rashtriy Kishan Brigade

.....Applicant

Vs

State of U.P. & Ors.

.... Respondents

REPLY ON BEHALF OF RESPONDENT NO. 15 i.e. M/S  
CLOUD 9 BUILDERS

MOST RESPECTFULLY SHOWETH:-

PRELIMINARY SUBMISSIONS:-

The present reply is being filed by Mr. Amit Jain, the authorized representative of the M/s Cloud 9 i.e. the respondent No. 15, who has gone through the contents of the OA and is competent to file the reply.

That the answering respondent has been made as respondent No. 15 and in spite of the directions of the Hon'ble Court to provide complete paper book to newly impleaded parties, the applicant has not provided the complete paper book, therefore the

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answering respondent is not aware of the various proceedings and therefore craves leaves to this Hon'ble Court and reserve his right to file additional reply at subsequent stages of hearing if anything specifically is to be replied by the answering respondent. Answering respondent is filing the present reply only on the basis of limited knowledge because in the present OA, no specific allegation's has been made against the answering respondent. It is further prayed to Hon'ble Court to direct the applicant to provide the complete paper book so that answering respondent may file a suitable and proper reply in the interest of justice.

Further, certain observations have been made against the answering respondent in the report submitted by the committee to the Hon'ble Court and on the basis of which, notice was issued to answering respondent. However, at the outset, the answering respondent vehemently denies each and every observation made by the said committee against the answering respondent pertaining to encroachment of any kind/type of land/green belt/drain. It is most respectfully submitted that the answering respondent has obtained prior permission and clearance in writing from competent authorities as per law/rules applicable after paying all the taxes/dues and has followed all the terms and conditions referred by all the competent authorities in compliance of that and is still paying all the taxes.

PRELIMINARY OBJECTIONS:-

1. That the present OA is not maintainable being totally vague. The applicant has not made any prayer against the answering respondent pertaining to violation of any provision of law. Thus the present OA is liable to be dismissed on this ground only.
2. That the present OA is barred by delay and laches and is liable to be dismissed on this ground only. It is pertinent to mention that Sec 14 of the NGT Act 2010 prescribes the scope of maintainability of OA and restricts the limitation to 06 months pertaining to cause of action for the purpose of adjudication of the dispute by the Hon'ble Tribunal. The period of limitation specified for any proceeding under section 14 of the NGT Act is 6 months from the date on which cause of action first arose. This Hon'ble Tribunal has been given the power under the NGT Act 2010 to relax the 6 months period by a further period of 60 days. No further relaxation can be granted beyond the period stipulated under section 14 of the NGT Act. It is pertinent to mention that there is no cause of action arisen in the favour of the applicant within such prescribed period, hence present OA is not maintainable. The cause of action if any referred in present OA pertains to 2007 -2008 when the permission/consent was granted to the answering respondents.

In this regard, the Sec. 14 of the NGT Act 2010 is reproduced herein:-

Section 14: Tribunal to settle disputes

(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments in Schedule 1.

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period allow it to be filed within a further period not exceeding sixty days.

Therefore in view of the abovementioned legal position, Tribunal being a Statutory Authority is bound by the provisions of the Statute and cannot traverse beyond the provisions of the NGT Act, under section 16 there is clear bar not to entertain an appeal filed beyond sixty days. Though

Hon'ble Tribunal may take a liberal view and condone the delay, after being satisfied on the basis of sufficient reasons mentioned/referred, but being Statutory Tribunal, it cannot ignore the period stipulated in the Statute. Moreover, the Hon'ble Tribunal itself have followed the above settled provisions and the same is referred in various judgments passed by this Hon'ble Tribunal.

- 3. That present OA is also not maintainable and is liable to be dismissed on the ground that no prayer has been made by the applicant in violation of any provision of the Act mentioned in Schedule I of NGT Act, 2010 which is referred under Sec 14 of NGT Act, 2010.

In this regard, it is further pertinent to mention that the Schedule I of the NGT Act, 2010 mentions 07 Acts which are as follows:-

- (i) The Water (Prevention and Control of Pollution) Act, 1974;
- (ii) The Water (Prevention and Control of Pollution) Cess Act 1977;
- (iii) The Forest (Conservation) Act, 1980;
- (iv) The Air (Prevention and Control of Pollution) Act, 1981;
- (v) The Environment (Protection) Act, 1986;
- (vi) The Public Liability Insurance Act, 1991

(vii) The Biological Diversity Act, 2002

It is pertinent to mention that the applicant has not alleged violation of any provision of the abovementioned Acts by the answering respondent, hence the present OA is not maintainable and is liable to be dismissed on this ground only.

- 4. That the present OA is also not maintainable on the ground that the applicant has challenged the conscious policy decisions taken by the competent authorities i.e. State to develop the area referred under OA. Thus the applicant has challenged the policy making powers of the competent authorities i.e. State and the scope for interference by the Hon'ble Court is very limited as upheld by the Hon'ble Supreme Court in catena of judgments which are not produced herein for the sake of brevity for being the settled position,
  
- 5. That the present OA is also not maintainable as applicant has not relied on any study of any type /no proof placed as evidence in support for aforementioned categories, no technical evidence and No ENVIRONMENTAL ANALYSIS including rainfall analysis and other technical/scientific analysis which are necessary for the adjudication of the OA and in absence of that the vague allegations can not be adjudicated.

6. That it is further pertinent to submit that answering respondent has not done act or committed any wrong or violation of any provision of any Law/Rules/Instructions. Moreover, answering respondent is a responsible company and has taken all the steps in accordance with the provision of law of the land after fulfilling all the mandatory requirements. It is important to mention and note that answering respondent has taken steps to cover the drain after obtaining proper permission/clearance from competent authorities which is mentioned in detail under brief facts of case in the following paras and therefore, the answering respondent most humbly pray to this Hon'ble Court to dismiss the present OA in the interest of justice.

7. That the present OA is not maintainable liable to be dismissed on the ground that applicant has misled the Hon'ble Court by stating that the drain under question is storm water drain. It is most respectfully submitted that the said drain is a man-made drain and the answering respondent has all the relevant documents (i.e. Shijra) to establish that the said drain is man made drain which was constructed to address the problem of sewage, industrial waste and rain water with the growing urbanization in the area. Therefore the applicant has approached the Hon'ble Court on the basis of wrong facts and misled the Hon'ble Court, therefore the present OA is not maintainable.

8. That present OA is also not maintainable being related to green belt. It is respectfully submitted that the green belt area is prescribed under the development plan, finalized under the master plan. The green belt area thus is the creation under the master plan which has been finalized under Section 9 of UP Urban Planning and Development Act, 1973. The violation as alleged of the reducing of green belt area would be considered as a violation of the norms of the master plan which will not come within ambit of jurisdiction available to the NGT. Moreover, there is no allegations for violation of provisions of the Forest (Conservation) Act, 1980. Moreover the concept of green belt has been introduced to achieve certain objectives and to create a balance between urbanization and nature. Thus the project under challenge before this Hon'ble Court as well as the creation and maintaining of green belt is the policy decision of various authorities including GDA and Municipal Corporation of Ghaziabad and the same is reflected in Master Plan of the city.

BRIEF FACTS OF THE CASE:-

1. That the Sahibabad Drain No. 1 is man-made drain which was specifically created to address the problem of sewage water of number of urban and semi urban residential colonies, industrial waste/effluent from industries of Industrial Site IV and rain water.

2. It is further mentioned that the said drain was created and constructed in the year 1967 after acquiring the agricultural land. This fact may be verified from the revenue record of 1957 pertaining to this area. It is evident from the shijra map of 1957 that no such Drain/Dallah was in existence at that point of time and the concerned area/ land is shown as agricultural land. For this purpose, certified copy of the shijra dated 21.03.1978 obtained from the office of Special Land and Administrative Officer pertaining to the year 1957 and answering respondent will produce the same if directed by the Hon'ble Court.

3. That subsequently after construction of Sahibabad Drain, it was incorporated and reflected in Master Plan of Ghaziabad. This fact is further evident from the Master Plan of 2021 for Ghaziabad prepared by the concerned authorities. (The same must be produced by GDA).

4. That Sahibabad Drain No. 1 originates at Shaheed Nagar, Near GT Road, U. P. Border and at this point, several minor (three in no.s) sewage drains coming from various semi-urbanised colonies like Shaheed Nagar, Pasoda village, Pappu Colony, Rajendra Nagar, Shalimar Garden, Shopura etc. are merged. From this point at Shaheed Nagar to inter point at Surya Nagar, the construction and maintenance of this portion of the Sahibabad drain No. 1 is being done by Ghaziabad

Development Authority. Lay out plan of the Drain should be placed by GDA.

5. That from inter point at Surya Nagar to Tracking Point of Sahibabad Drain No. 1 at Vaisahli, the construction and maintenance of this portion of drain is done by UPSIDC.
6. That from Tracking point of Sahibabad Drain at Vaisahli to STP at Indirapuram, Ghaziabad, the maintenance of the remaining part of drain is done by again GDA. After the treatment of drain water at STP, Indirapuram, the same is released in river Hindon in Ghaziabad.
7. Thus from the aforementioned facts, it is ample clear that the Sahibabad Drain No. 1 is a man-made drain specifically created and constructed to address the problem of sewage, industrial waste/effluents, domestic discharge and rain water of this area and not a rain water/stagnant water drain as alleged by the applicant.
8. That Sahibabad drain No. 1 is quite wide (approximately 18 meters) and passes over a large area covering both residential, commercial and industrial area and certain portion of the Drain passes along with main road from Delhi towards Mohan Nagar. Gradually over a period of time, the area was densely populated and heavily industrialized and this also increased the

commercial activities in the vicinity. This led to more discharge of industrial waste/effluent into the drain along with dumping of all types of garbage, animal dung, plastic waste etc.

9. That because of being open drain, it posed a lot of problems, including health and safety problems as not only foul smell was persistent in the area but also the sulfur fumes and other toxic and hazardous gases were constantly being released directly in the atmosphere from the drain water comprising of industrial waste, sewage and garbage.

10. Since the Drain is quite wide and Municipal Corporation of Ghaziabad was not having proper mechanism/machinery to clean and de-silt the drain and to check that no garbage is dumped in the drain including the plastic waste, therefore, this aggravated the problem and made the situation worst not only for the local residents, students, workers/employees of industries but also for the commuters and passers by.

11. Moreover, apart from the health hazard posed by air pollution, the drain water was percolating deep into the earth thus not only polluting the ground water of the area which was also used for drinking water but also disturbing the ecology of the area. It also become the source of mosquito breeding which again aggravated the health problems.

12. That several representations were submitted by the residents welfare associations and organizations including the answering respondent mentioning the serious problems to health and safety posed by the open drain and there were constant demand for covering of drain to address the various problems.

13. Therefore, on the request and representations of the residents of the area, Ghaziabad Municipal Corporation got a technical feasibility report for covering of drain and sought technical advice on it from Civil Department of IIT, Roorkee for covering of drain vide letter dated 11.01.2008. Municipal Corporation of Ghaziabad should be directed to produce the same for the perusal of the Hon'ble Court.

14. That subsequent to this, Civil Engineering Department, IIT Roorkee, after detailed study submitted its report to authorities and recommended to cover up the drain to address several health and environmental issues. It also suggested that covering up of drain will not only improve the aesthetic look but also improve the ecology of the area. Copy of report submitted by the IIT, Roorkee. It is pertinent to mention that the said report also recommended box type channel design to cover up the drain. Municipal Corporation of Ghaziabad should be directed to produce the same for the perusal of the Hon'ble Court.

15. That after getting the report from the IIT Roorkee, the proposal for covering the Sahibabad drain No. 1 was taken up on 16.05.2008 in the meeting of the Board of Municipal Corporation of Ghaziabad which was presided by Special Secretary and subsequently approval was given for covering the drain. Municipal Corporation of Ghaziabad should be directed to produce the copy of the minutes of meeting of the Corporation dated 16.05.2008 and 30.01.2009 for the perusal of the Hon'ble Court.

16. That as per the information available to answering respondent, Municipal Corporation of Ghaziabad send the same proposal to the State Govt for its approval and the same was approved by the State Govt. and the project was inaugurated by the Urban Development Minister U.P. GOVT on 19.09.2008 in the presence of Principal Secretary U.P. Govt., District Magistrate, Ghaziabad, Mayer Ghaziabad, Vice Chairman Ghaziabad Development Authority, Local Counselors and representatives of all Industrial Associations of that area and other dignitaries.

17. That it is ample clear from the above mentioned facts that the decision to cover the drain was conscious policy decision taken by the competent authorities which is exclusive prerogative of the concerned Govt. in the interest of the public for the beautification of area as well as to address various problems.

18. That according to the decision taken, it was also decided by Municipal Corporation that the project of covering the drain would be carried out on the basis of Public- Private- Partnership (PPP) model and in this regard, the Lease Rent will be charged from the concerned plot holders for the purpose of covering the drain which is Rs 120 per square meter per year.

It is also pertinent to mention that answering respondent also entered into agreement with authorities after accepting the terms and conditions to be followed.

19. That it is pertinent to mention that under the provisions of Sec 228 to 232 (Chapter X) of U.P. Nagar Mahapalika Adhiniyam, 1959, the U.P. Nagar Mahapalika has been entrusted with the statutory obligations of constructing, altering, discontinuing, repairing and clearing of the drains. Accordingly, any decision concerning covering of drains falls within the exclusive domain of the U.P. Nagar Mahapalika.

Therefore approval and clearance obtained by the answering respondent and further agreement/lease deed entered between the answering respondent and authorities to cover the drain is strictly in accordance with the settled principles and the answering respondent have followed due procedure and for that, answering respondent paid all dues/taxes/security as prescribed by the authorities at various

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stages and still paying all the prescribed taxes and fulfilling all the obligations conferred by the agreement.

20. That it is also important to note that in the area of the Sahibabad Drain, which is covered, there is no obstruction at all. Since the maintenance including the cleaning of the covered area of drain is the responsibility of the concerned plot holder under lease agreement, therefore the cleaning of covered area of drain is done on regular basis by the individual plot holder including answering respondent, therefore there is no obstruction in covered area of drain. Also, as per the drawing, the drain is covered with the removable slabs so that it could be removed easily for the purpose of cleaning. Moreover, if no action is taken for cleaning the drain by the concerned parties, notice is issued and fine is imposed by the Municipal Corporation to the concerned plot holder under lease agreement.

Thus the apprehension and allegation of the applicant that the covering of drain has obstructed the flow and there is problem in cleaning the drain is totally baseless, misleading and misconceived, hence the same is vehemently denied.

21. Further there are no of places of obstructions which are open and not covered only because open drain is being used as dumping ground of all kinds of waste/ garbage/ animal dung/

Animal bodies/ domestic discharge/ industrial waste and most importantly plastic waste which is the most prominent cause of choking and obstruction over the open drain. It is for Municipal Corporation to continuously checks, issues notices and imposes fines but because the length of open drain is quite long, therefore on various points, obstructions are observed.

22. Further, the present capacity of the Sahibabad Drain is approximately 120-125 MLD. It is pertinent to mention that presently the average flow of the water in the Drain is approximately 74 MLD.

23. That initially it was estimated that drain would be carrying 60 MLD from industrial discharge and 8 MLD from domestic discharge. Since over the years, several industries are either closed or shifted, therefore there is decrease in the industrial discharge but because of increase in residential area and density, domestic discharge is increased. So overall 10% rise in average flow of water is observed thus making it to approximately 74 MLD.

24. It is also worth to notice that in view of total carrying capacity of the Sahibabad drain being approximately 120-125 MLD, the present average flow of 74 MLD is very low and in near future, there is no need for the up-gradation of the Sahibabad Drain No. 1.

25. Further, from the STP point at Indrapuram which has capacity to treat 74 MLD of mix water of sewage and drain water, treated water is discharged in to river Hindon through drains and the carrying capacity of this outlet drain is only approximately 30-35 % of total treated water at a point. Therefore, it was observed to increase the width of this drain to discharge the treated water in to river Hindon and proposal for the same is already being moved being joint responsibility of GDA and Municipal Corporation.

26. It is also pertinent to mention that when the capacity of outlet drain for carrying treated water from STP, Indrapuram to river Hindon will be 100%, there will be no water logging in Sahibabad Drain No. 1 and it will remain almost dry. In view of this, there is no need to upgrade the carrying capacity of the Sahibabad drain No. 1 in near future.

PARAWISE REPLY:-

At the outset it is most humbly submitted that no specific allegation has been made out against the answering respondent and answering respondent vehemently denies any and every allegations made out being wrong, misleading and misconceived.

1. That the contents of para 1 of the OA need no reply from the answering respondent.
2. That the contents of para 2 of the OA need no reply however, answering respondent vehemently denies the allegations limited to answering respondent being misleading and misconceived.
3. That the contents of para 3 of the OA if any is related to answering respondent, are wrong, misleading and misconceived, hence denied by the answering respondents. It is most respectfully submitted that the factual position has already been mentioned in brief facts of the case and the same is not being repeated here for the sake of brevity. Further, the other averments should be replied by other competent authorities/respondents.

Further, answering respondent again reaffirms and reiterates that no action has been taken by them in violation of any law/rules and moreover they have obtained permission for each and every activity from the competent authority in accordance with the law of the land and is not involved any type of unlawful activity related to affecting the green belt of area. The answering respondent has highest respect for the law of the land and adhere to abide by the law of land. The allegations/averments are made by the applicant without any study and scientific/technical analysis and

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therefore the prejudice is caused against the answering respondent.

**REPLY TO GROUNDS:-**

Para 1 That the contents of para 1 of ground of OA need no reply from the answering respondent.

Para 2 & 3 That the contents of para 2 & 3 of the grounds of OA are wrong, misleading and misconceived, hence the same are vehemently denied. It is further submitted that the answering respondent has not violated any law in general and particularly related to environmental laws. The averments of the applicant are without any basis and any scientific analysis, thus not sustainable in the eye of law. Further, the contents/averments are to be replied by concerned authorities.

Para 4 That the contents of the para 4 of the ground of OA are to be replied by the concerned authorities. However, as mentioned in the brief facts of case, the covering of drain is based on the scientific study and most importantly the covering of drains checks and restrains percolating of dirty/untreated percolating/mixing in ground water and is one of the major objective to be achieved under study for covering the drains. This was major concern of the residents and various representations were

submitted to concerned authorities to cover the drain to check the mixing of untreated/sewage water with ground water.

Para 5 to 10 That the contents of para 5 to 10 of the grounds of the OA do not pertain to answering respondent and to be replied by the concerned authorities. However, it is once again reiterated that answering respondents have obtained prior permission in accordance with law for each and every activity.

Further, since the answering respondent has not been provided with complete paper book, therefore, is not aware of any thing which has been averred/alleged by the applicant at any subsequent hearing and therefore the answering respondent reserve his right to reply any other averments raised by the applicant by way of additional reply.

Para 11 That the contents of the para 11 of the OA are wrong, misleading and misconceived, hence the same are denied by the answering respondent. It is most respectfully submitted that answering respondent is unaware of the cause of action arose in favour of the applicant for which it is made party.

Para 12 That the contents of para 12 of the OA need no reply from the answering respondent.

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SUBMISSION ON THE REPORT OF COMMITTEE  
SUBMITTED TO HON'BLE COURT:-

That committed in its report dated 24.4.2014 and in para (e) of the report, has observed under head " Status of construction over the Sahibabad drain", that a large number of establishments/industries have covered the drain in front of their respective premises.

In this regard, most respectfully submitted that as mentioned in reply to OA and brief facts, answering respondents have followed all the procedure prescribed under the law after obtaining permission and clearance from the competent authorities and subsequently entered into agreement with the authorities.

Further as already submitted and also observed by the committee in para 4 (iv), answering respondents are paying significant amount to authorities/Municipal Corporation apart from fulfilling his obligation for clearing the drain and thus therefore no breach and violation of any condition of agreement or law/rule regarding green belt in that area.

Further, answering respondent have obtained all the requisite and necessary permission/clearance from the concerned and competent authorities for their project 'Cloud 9' and are ready to produce all the record pertaining to it for perusal of the Hon'ble Court, if directed.

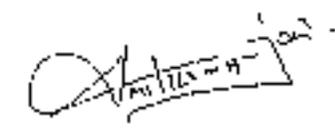
*A*

Thus there is no question of any type/kind of encroachment as referred in para 4 (c) of the report, by the answering respondents and the observation of the committee in this regard pertaining to answering respondent, are totally wrong, misleading and misconceived. Moreover, the answering respondent were never called or given any opportunity by the said committee to present their view and therefore any such observation of the committee is vague and not based on any evidence.

However, the committee in its report has made some observations against the authorities. Moreover, the authorities/official respondents have filed their reply and the same is not available with the answering respondent as already mentioned in the preliminary observation. However, it is pertinent to mention that the answering respondents has not received any notice from any of authorities for violation of any condition.

PRAYER:-

In view of the above mentioned facts and circumstances, the O.A is devoid of any merit and deserves to be dismissed with cost in favour of the answering respondent.



For Respondent No 15

Place: New Delhi





BEFORE THE NATIONAL GREEN TRIBUNAL (NGT)

NEW DELHI

OA No. 16/2014

IN THE MATTER OF :-

Shri Hazi Arif,

President Rashtriya Kishan Brigade

.....Applicant

Vs

State of U.P. & Ors.

.... Respondents

AFFIDAVIT

I, ARIF HAZI ARIF - 70410 S/O Shri P. L. Jain P/O C-217, Indraprastha  
- Saket 2 colony Delhi Age 43 years old and working as Director (Agr.)  
\_\_\_\_, New Delhi, do hereby solemnly affirm and state as

follows:-

- That the accompanying MA has been drafted on my instructions and I am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
- That the contents of accompanying MA are true and correct to the best of knowledge, belief and derived from the record and nothing is false therein.

*[Signature]*  
DEPONENT

Verification:-



CERTIFIED THAT THE DEPONENT at New Delhi on 29 JUN 2015 that the contents of  
above paras are true and correct to my knowledge and belief  
and nothing is false therein.

*[Signature]*  
DEPONENT

*[Signature]*  
29 JUN 2015  
Oath-Commissioner, New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL (NGT),

NEW DELHI

MA No. /2015 OA No. 16/2014

IN THE MATTER OF :-

Shri Hazi Arif;

President Rashtrya Kishan Brigade

....Applicant

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Place: New Delhi

Date: \_\_\_\_ .07.2015

Through

Jagrati Singh  
Advocate  
E-25, Basement,  
LajpatNagar-II,  
New Delhi

M : +91 9250208553

Email: jagratisingh2006@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL (PB),  
NEW DELHI

MA No. /2015 in OA No. 16/2014

IN THE MATTER OF :-

Shri Hazi Arif,

President Rashtrya Kishan Brigade

.....Applicant

Vs

State of U.P. & Ors.

.... Respondents

OBJECTIONS ON BEHALF OF RESPONDENT NO. 15 i.e.  
M/S CLOUD 9 TO THE REPORT OF SITE INSPECTION  
DATED 23.04.2014 SUBMITTED BY COMMITTEE

MOST RESPECTFULLY SHOWETH:-

1. The Hon'ble Tribunal had constituted a committee, to submit a report in view of the issues raised by the applicant in the present OA. The said committee had submitted a report dated 23.04.2014 after visiting the site. On the basis of the said report, Hon'ble Court issued notice to the answering respondent and answering respondent has filed reply which should be read with the present application.
2. That it is pertinent to mention that the said report was submitted on the basis of general observation and no scientific and technical method was adopted by the committee for the

purpose of recording its finding. The area under the present OA is very vast and dispersed and the committee without taking proper steps for ascertaining the factual and legal position, submitted the report. Thus the report is totally based on assumptions and presumptions submitted with pre-occupied mind as and is not based on the correct factual and legal position. Thus the report dated 23.04.2014 is not sustainable in the eyes of law.

3. That the committee finished the visit of the site within few hours on 12.04.2014 of such a vast and dispersed area. It is beyond imagination how in within few hours, detailed findings/observations were recorded because it is not possible for any committee to go through all the factual and legal aspects of such vast and dispersed area by adopting scientific methodology/analysis for recording of its findings. Thus the findings are recorded with pre-occupied mind and pre conceived notion and therefore not sustainable in the eyes of law.
4. That the said committee on the day of visit on 12.04.2014, did not give any notice to the answering respondent to present his case before the committee. Thus the answering respondent was never given an opportunity to present their view/case before the committee. Thus the report dated 23.04.2014 is not based on the correct facts and is totally vague hence not sustainable in the eyes of law.

- 5. That the said committee never inspected the records of the concerned government agencies i.e. Ghaziabad Municipal Corporation, GDA, UPSIDC etc for ascertaining the correct the correct facts of the case, hence the said report is not sustainable.
- 6. That in para 3 (a) (ii) of the report, the committee observed as under:-

**"It is natural storm water drain ....."**

In this regard, the observation of the committee is highly objectionable being patently wrong. Committee never inspected the official record of the various government agencies involved for recording such statements.

It is pertinent to mention that the drain under consideration is 'man made drain' and it is not the 'natural water drain' as observed by the committee. The answering respondents have obtained all the relevant evidentiary documents to establish the correct factual and legal position.

The most important fact is that there is no mention of any type of drain in the Shijra of 1957. It is only in 1960's the land was acquired by government for the purpose of development of said areas. This fact may further be ascertained by the Hon'ble Court by calling the concerned revenue record.

This fact can be further ascertained from the 'SUPERIMPOSE PLAN' of UPSIDC pertaining to the year of 1971 pertaining to the industrial area Site No.-4, Sahibabad, which clearly mentions the "100' WD PROPOSED DRAIN". The said "SUPERIMPOSE PLAN" is placed

It is further prayed to Hon'ble Court to place certified copy of said Super Impose Plan on record.

Thus it proves beyond doubt that the drain under consideration is 'man made drain' duly planned, created and maintained by UPSIDC to achieve and address certain and specific objectives for development of area and is not the "Natural Water Drain" as observed by the committee. Thus the observation/finding of the committee is totally wrong and incorrect.

7. That Committee in principle has approved the covering of drain as nowhere the committee has recommended that the drain should be left open. Moreover, the committee in para 4 (iii) of the report dated 23.04.2014 has only suggested to impose penalty for violation of the conditions of the "Agreement" (entered between government authorities and individual parties/owners). However, the Committee has recorded certain observations regarding the unauthorized construction/encroachment. Further committee has identified

certain issues regarding treatment of garbage, sewage water etc.

In this regard, it is most respectfully submitted that there were numerous serious environmental and health issues were raised by the residents of the area and being affected, several representations were submitted by the various associations to authorities to cover the drain which are placed as Annexure R-1 (Colly.)

8. That on the basis of the various representations received, the Municipal Corporation of the Ghaziabad got a project report for covering of drain from the Jaiswal & Associates. It is pertinent to mention that Sh. Ramesh Jaiswal is Professor (Retd.) of IIT, Roorkee. The Chief Engineer, Municipal Corporation of Ghaziabad vide letter dated 11.01.2008, send the said Project Report to Prof. A.K.Mathur, Director Roorkee Institute of Technology, (Department of Civil Engineering), Roorkee to review the said report pertaining to covering drain for development of Nagar Nigam Land along N.H.53-E. The said letter dated 11.01.2008 along with project report submitted by the Jaiswal & Associates are placed as Annexure R-2.

9. That it is pertinent to mention that Prof. A.K.Mathur, reviewed the said project report and submitted review report and recommendations dated 15.01.2008 and the same is placed as Annexure R-3.

16.5.08  
M.Corp.  
meeting

- 10. That on the basis of the said approved design, (Box Type, three partition), authorities obtained permission and took conscious policy decision to cover the drain and subsequently entered into "agreement" with individuals owners. All the details pertaining to this is already submitted in the reply filed by respondent No. 15 and the same is not being repeated for the sake of brevity.
- 11. Thus from the above, it is proved beyond doubt that answering respondents have followed all the procedure/rules and according paid all the dues/taxes and are still paying the taxes.
- 12. Thus the observation/s made by the Committee regarding the answering respondents are wrong, false, misleading, biased, and misconceived, mentioned with pre-occupied mind and preconceived notions being factually incorrect and patent'y illegal, hence the same are not sustainable.

In view of the aforementioned facts and circumstances, it is most humbly prayed to Hon'ble Court to set aside the report dated 23.04.2015 filed by Committee.

*Amrit Kumar*  
 For Respondent No 15

Place: New Delhi  
 Date: 24.06.2015

Through  
Jagrati Singh

Jagrati Singh  
Advocate for Respondent No. 15  
E-25, LajpatNagar-III,  
New Delhi

Verification.

I, Anil Kumar Jain, do hereby verify that the contents of my reply are true to my knowledge derived from records and based on legal advice received and last para is prayer clause and that I have not suppressed any material fact.

Anil Kumar Jain  
Respondent No 15



BEFORE THE NATIONAL GREEN TRIBUNAL (NGT).

NEW DELHI

GA No. 16/2014

IN THE MATTER OF :-

Shri Hazi Arif,

President Rashtrya Kishan Brigade

.....Applicant

Vs

State of U.P. & Ors.

.... Respondents

AFFIDAVIT

1. Amit-kr Jain B/c. in P. K. Jain, A/c. C-237, Indapur Industrial Area, New Delhi, do hereby solemnly affirm and state as follows:-

Age 43 years and working as Director of 'Vardaan' \_\_\_\_\_, New Delhi, do hereby solemnly affirm and state as follows:-

*Handwritten note:* This is the accompanying affidavit of the deponent. It is to be read along with the reply.

1. That the accompanying reply has been drafted on my instructions and I am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of accompanying reply are true and correct to the best of knowledge, belief and derived from the record and nothing is false therein.

*Signature of Deponent*  
DEPONENT



Verification:-

CERTIFIED THAT THE DEPONENT Verified at New Delhi on 29 JUN 2015 that the contents of

above paras are true and correct to my knowledge and belief

and nothing is false therein.

*Signature of Oath Commissioner*  
DEPONENT

*Signature of Oath Commissioner*  
29 JUN 2015  
Oath Commissioner, New Delhi

that the contents of the above paras are true and correct to my knowledge and belief

ESTD. 1985



# Centre For Integrated Human Development (CIHD)

## (समग्र मानव विकास केन्द्र)

Regd. Act. XXI - 1860

Ref. No. ....

Dated .....

श्रीमान्,  
सदर अध्यक्ष, भारत विचार  
मन्त्रिवादा।

विषय:- राष्ट्रियकद्वि विम्व रोड औद्योगिक क्षेत्र मे खुले नाले को ढकाने के सम्बन्ध मे-

महोदय,  
हमारी स्वीकृत संस्था समग्र मानव विकास केन्द्र पिछले 20 वर्षों से गांधीवाट चल्मपट मे विभिन्न प्रकार के सामाजिक कार्य मे कार्यरत है। इस संस्था को एक नीतिक दायित्व यह भी है कि भारत की सफाई एवं स्वच्छता के लिए जनता तथा शासन प्रशासन को अवगत कराना। आपको ज्ञात होगा कि पिछले 4-5 वर्षों से भारतीयवाड मेन लिक रोड औद्योगिक क्षेत्र मे विधत खुले नाले से पर्याप्त प्रदूषित हो रहा है। इस विषय मे संस्था द्वारा शासन प्रशासन को समय-2 पर अवगत करवाया गया, लेकिन इतक आज तक कोई परिणाम नहीं निकला। इस क्षेत्र मे इस अकृतितर बड़े नाले को होने के कारण जनता समय-2 पर दुर्घटना का शिकार हो रही है। एवं नाले मे गन्तनी होने के कारण मालाकरण दूषित हो रहा है।

अतः आपसे निवेदन है कि उपरोक्त नाले को ढकाने के लिए उचित कार्यवाही करे। ताकि मालाकरण प्रदूषित होने नसे एवं जनता दुर्घटना का शिकार न हो।

धन्यवाद

भवदीय  
*[Signature]*  
एसिड मुख्त  
सचिव

832



D-45, Site No. 3,  
Meerut Road Indl. Area,  
GHAZIABAD - 201 003



Phone : 2713691  
: 2713781  
Fax : (0120) 2754071  
E-mail : plino\_gzb@sify.com

# All India Manufacturers' Organization

AIMO/UPSB/2007-08/ER-27

DATE: 04.01.2008

To,  
The Municipal Commissioner,  
Nagar Nigam,  
Ghaziabad.

Reg: Unhygienic/unhealthy environment on account open big drain on the Main Link Road, Sahibabad.

Dear Sir,

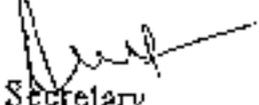
At the outset we congratulate you to join as Municipal Commissioner, Ghaziabad. We have to bring to you kind notice that there is a big open drain on the main Link Road, Sahibabad having substantial width & depth which is causing unhygienic/unhealthy atmosphere. During the last 4/5 years there has been enormous increase in the business as a result of which the number of customers and visitors have increase manifold and the traffic has also increased. This open drain is so dangerous for health and also unsafe and any incident may occur at any time on the road. We, therefore, request you to take necessary action for covering the drain to avoid any mishapping and also for better hygienic/healthy/clean atmosphere.

You are also well aware that many of the big hotels and malls have already come up and many hotel and mall also under construction and would be commencing very shortly likely much prior to the common wealth game. Which will definitely increase the revenue of the U.P. Govt.

Since our Association is established for the last more than 5 decades and representing the difficulties being faced by the Industries/Ghaziabad Citizens we are taking up the same with you with a request for taking necessary action for covering the Nala.

Thanking you,

Yours faithfully,  
For AIMO (U.P. State Board)

  
Secretary

Regd. Office : JEEVAN SAHAKAR, 4th FLOOR, SIR PHEROZSHAH MEHTA ROAD, MUMBAI - 400 001  
Phones : 22661016, 22661272, 22665239 Telex : (022) 22660838

OTI  
✓

# AGGARWAL NURSING HOME

KJ-3, KAVI NAGAR, GHAZIABAD

☎ : 47016  
☎ : 47011

Dr. R. K. Aggarwal  
M.B.B.S., M.D.  
(GOLD MEDALIST)  
Medical & Heart Specialist

E.C.G.  
ALSO AVAILABLE

Dr. Shashi Aggarwal  
M.B.B.S. (Borr)  
Gynaecologist & Obstetric

Timings:  
**FREE OPD**  
9.00 AM - 10.00 PM  
**PAID OPD**  
10.00 AM - 1.00 PM  
5.00 PM - 8.00 PM  
(Sunday Closed)

The M.N.A.  
Nagar, Nigan,  
Ghaziabad.

Dear Sir,

Re: Unhygienic atmosphere because of  
open drain on main Link Road, S&B.

I have many patients from S&B,  
living or working near the Link Road.  
They often complain of ill health  
resulting from the open big drain on  
the main link road.

I have seen personally also  
and found the big open drain to be  
very unhygienic, all the more, when many  
sewerage food wastes have opened  
just besides it.

So I request you yourself  
to kindly make it convenient to get  
the drain covered for the benefit of  
one and all.

Thanking you

Yours faithfully,  
Assouand

DR. R. K. AGGARWAL  
M.C. (Gold Medalist)  
AGGARWAL NURSING HOME  
KJ-3, Kavi Nagar, GZB.

UP



# Sahibabad Industries Association

Regd. Office : B-4B, SITE NO. IV, SAHIBABAD-201 010 (U.P.)  
 Fax/Phone : 0120-2896676, 2896677, 2896678

The City Commissioner  
 Nagar Nigam  
 Ghaziabad

12<sup>th</sup> March 2008

Dear Sir,

We thank you very much for your kindly visiting this area and the meeting with entrepreneurs. Some of the problems of the area were put before you and you very kindly assured to do the needful. As discussed, we give below, some points and suggestions to solve the problems.

1. Drains : - The drains are in very bad shape and there is a big problem for regular cleanliness and repairs.

Suggestion : - As one main drain passing via Surya Nagar to this area takes the Water, of Trans-hindon, it creates lot of unhygienic condition and regular cleaning is not there. Jalli may be put at identified 12 points so that the solid waste be taken out from those points. In the meeting, you very kindly directed Dr. Tyagi, Health Officer to get the needful done by end of April.

The drains may be covered in such a design that there should not be any cleaning problem. As discussed the sucking machines be put as a trial as one company is prepared to take the job on contract.

2. Pullias : - One pullia on main road going to Surya Nagar near to Bikanerwala are in bad condition and can break with heavy loads resulting in accidents. These may be reconstructed and heavy vehicles be restricted on these roads with immediate effect and other pullias be got inspected for repairs and reconstruction.
3. Maintenance of the area : - The U.P.S.I.D.C. have handed over the area to Nagar Nigam long back, but the official working and collection of funds remain with them. They also impose maintenance charges and other charges resulting in double taxation as House Tax.

Suggestions : - As the area has been handed over to Nagar Nigam, the power for implementation of policies may remain with the Nagar Nigam. Transfer Levy-source for collection of huge revenue be collected by Nagar Nigam and, if need be, part of it may be transferred to U.P.S.I.D.C.

Sub-Division of plots, sale and transfer of plots must remain with Nagar Nigam. It will help the area to develop fast and in a systematic way. This will also prove to be a respectable take over of the area.

4. Unack Parking : - This is very serious problem of the area and affects the working of Industries and free movement of traffic.

U.P.  
 2



# Sahibabad Industries Association

Regd. Office : B-16, SITE NO. IV, SAHIBABAD-201 010 (U.P.)  
Fax/Phone : 0123-2896676, 2896677, 2596678

Suggestions : - The area for truck parking be ear-marked and the companies having regular and heavy movement of trucks be given the area for parking with uniform development and be charged accordingly.

Some Industries have developed parks on the road sides, but the trucks are parked on roads and also use the area as workshops for clearing the vehicles resulting in breaking of roads. They may be asked to park trucks in the area used for parks, cycle stands and car parking. The parking land may not be used as personal property.

- 5. Solid Waste : - There is no place ear-marked for disposal of solid-waste. Some points be ear-marked in different parts of the industrial area and the solid waste from there be lifted by Nagar Nigam Vehicles
- 6. Street Lights : - On double road from Mohan Nagar fly over to Maharajpur light Poles are there and never energized. These may be got checked up for making it workable.

Most of the area is without light poles. The poles be installed for street lights in the area.

- 7. Weekly Bazar : - There are 3 weekly bazars on the main road i.e. Mandapur, Karkar and Maharajpur. These bazars create lot of problem for traffic movement and unhygienic atmosphere with rotten vegetables etc. scattered on the roads. These may be stopped on the main road and alternative place be ear-marked for these weekly bazars. As discussed in the meeting there is Nagar Nigam land opposite to BEL Gate and one park is there opposite Ailes Cycle.
- 8. Traffic Light : - you have seen that there is heavy rush at T-Point Link Road to Surya Nagar and there are regular accidents. Traffic light may kindly be put up at this point immediately.

We are confident you will kindly give these points your kind consideration for early solution.

Thanking You

Yours Faithfully  
For Sahibabad Industries Association

C.L. Dhir  
Hon'y. Genl. Secretary



# Sahibabad Industries Association

Regd. Office : B-48, SITE NO. IV, SAHIBABAD-201 010 (U.P.)

Fax/Phone : 0120-2896676, 2896677, 2896678

**Suggestions:** - The area for truck parking be ear-marked and the companies having regular and heavy movement of trucks be given the area for parking with uniform development and be charged accordingly.

Some Industries have developed parks on the road sides, but the trucks are parked on roads and also use the area as workshops for clearing the vehicles resulting in breaking of roads. They may be asked to park trucks in the area used for parks, cycle stands and car parking. The parking land may not be used as personal property.

5. **Solid Waste:** - There is no place ear-marked for disposal of solid-waste. Some Points be ear-marked in different parts of the industrial area and the solid waste from there be lifted by Nagar Nigam Vehicles.
6. **Street Lights:** - On double road from Mohan Nagar fly over to Maharajpur light Poles are there and never energized. These may be got checked up for making it workable.

Most of the area is without light poles. The poles be installed for street lights in the area.

7. **Weekly Bazar:** - There are 3 weekly bazaars on the main road i.e. Jhandapur, Karkar and Maharajpur. These bazaars create lot of problems for traffic movement and unhygienic atmosphere with rotten vegetables etc. scattered on the roads. These may be stopped on the main road and alternative place be earmarked for these weekly bazaars. As discussed in the meeting there is Nagar Nigam land opposite to BKL Gate and one park is there opposite Atlas Cycle.
8. **Traffic Light:** - you have seen that there is heavy rush at T-Point Link Road to Surya Nagar and there are regular accidents. Traffic light may kindly be put up at this point immediately.

We are confident you will kindly give these points your kind consideration for early solution.

Thanking You

Yours Faithfully

For Sahibabad Industries Association

C.L. Dhir

Hony. Genl. Secretary

RESIDENTS WELFARE ASSOCIATION (REGD.)  
VAISHALI SEC-1, SOUTH.

13/12/14

5821

13/12/14

CE  
N.S.#

The Municipal Commissioner,  
Ghaziabad Municipal Corporation,  
Vikas Marg Ghaziabad,

314/1312/314/14

Date: 31st Dec 2013

2nd Feb 2014

10-2-14

12-1-14

Regarding: - Covering of Sahibabad Industrial Area Intoxicating waste drain (Nalla) passing through Vaishali in between sector 1- 2 & 3 due to serious and alarming health hazards.

Sir

11/2/14

You are requested to kindly refer to our letter of even No. dated. 10-11-2010, 5-12-2010, 18-02-2011, 20-08-2011, 20-12-2011, 19-01-2012, 25-05-2012, 12-12-2012 addressed to the Vice Chairman Ghaziabad Development Authority, copies endorsed to you for necessary action. And also our Letter of even No. dated-15-01-2013, 20-02-2013, 10-04-2013, 25-05-2013, 14-07-2013, 21-09-2013, sent to your office on the subject cited above.

The Vice Chair man of the G D A has given a very simple reply that the Vaishali Scheme has been transferred to the Municipal Corporation of Ghaziabad on 31-04-2004 and the Authority has nothing to do with the civic problems of Vaishali after its hand over. (Photo copies of the letters of the G D A are enclosed)

We have also written considerable number of letters as stated in para-1 above to your office but to our dismay not even a single letter has been acknowledged so far by your office. We may consider it your reluctance or otherwise but we may inform you that covering of the nalla is must and has become the need of the hour because the nalla in question is carrying intoxicating and poisons gases are harmful not only for the people residing in sector 1 2 & 3 but also for the passersby, hundreds and thousands of people even so many buses carrying school going children pass through sector 1 to 2 & 3 Vaishali.

The bad and stink smell emanating from the nalla has made difficult for the residents to live here and in surroundings area, several peoples have passed away due to the breathing troubles and several other are seriously ill with the pulmonary and lungs diseases. There is not a single house who's in-house appliances like fridge, washing machine television, air conditioners even sanitary fittings like water taps also other so many items may not have damaged due to the polluting gases and other acidic particles in the air of this particular nalla referred above

Neither the G D A nor the G M C is considering to cover the nalla in question, on the other hand the EXPRESS Greens And The CLOUD-9 sector-1, have covered the portions of the nalla come in their way of development of their building projects, also the Neighboring cities like Delhi And Noida have covered so many open drains passing through residential areas keeping in view the health problems of the residents.

We would like to request to your good self once again to kindly consider our appeal and arrange for the covering of the nalla as early as possible to avoid serious health hazardous.

Do please acknowledge the receipt and oblige,

Thanking you in anticipation,

Sincerely Yours,

Mohan Singh  
(Mohan Singh) 2/2/14

President.

EE (Vaishali zone)  
CE

DA

PL  
NG: ICA 4 cover

1/528 Vaishali dist. Ghaziabad U.P.

President: 9968280490

Vice President: 9510085567

Genl Secretary: 9399330445

Motives Humanity

Equality Brotherhood

Unity Prosperity

A-95

CTE



गाजियाबाद विकास प्राधिकरण

विकास पथ, गाजियाबाद

I.S.O.-9001-2000 एवं I.S.O.-14001-2004 प्रमाणित संस्था

|  |   |
|--|---|
| भेजक<br>सचिव,<br>गाजियाबाद विकास प्राधिकरण,<br>गाजियाबाद | सेवा में,<br>नगर आयुक्त,<br>नगर निगम,<br>गाजियाबाद। |
| पत्र संख्या: /4/ई.ई.-जोन-6/2012                          | दिनांक:   |

महोदय,

कृपया पत्र के साथ संलग्न श्री गोहन सिंह, अध्यक्ष, रेजीडेन्ट वेलफेयर एसोसिएशन, गाजियाबाद के पत्र का अवलोकन करने का कष्ट करें जिसमें उनके द्वारा गाजियाबाद विकास प्राधिकरण अन्तर्गत वैशाली सेक्टर-1, 2 व 3 के मध्य से भुजारने वाले बाले को कवर किये जाने का अनुरोध किया गया है जिसमें साहिबाबाद इण्डस्ट्रियल एरिया का इन्ट्रोवर्षीकेटिंग केस्ट रहता जाता है। अतः कहा जाता है कि गाजियाबाद विकास प्राधिकरण द्वारा वैशाली योजना दिनांक 31.03.2004 को नगर निगम को हस्तान्तरित की जा चुकी है और संभलता अनुरक्षण का कार्य नगर निगम द्वारा देखा जा रहा है। प्राधिकरण द्वारा उक्त कार्य किया जाया संभव नहीं है, उक्त के सम्बन्ध में कार्यवाही नगर निगम द्वारा ही की जानी है। अतः पत्र मूल रूप में संलग्न कर प्रेषित किया जा रहा है। कृपया इनके द्वारा दिये गये प्रार्थनापत्र पर समुचित कार्यवाही करने का कष्ट करें।

संलग्नक: उपरोक्तानुसार पत्र मूल रूप में

भवदीय,

(अशोक सिंह)  
सचिव

पृष्ठंकन सं० 1775/4/ई.ई.-जोन-6/2012  
प्रतिशिपि:

दिनांक: 10-1-13

1. उपाध्यक्ष महोदय को सूचनार्थ प्रेषित।

2. श्री गोहन सिंह, जनरल सेक्टर, 1/820 वैशाली, गाजियाबाद को उनके पत्र दिनांक 12-10-2012 के क्रम में सूचनार्थ।

सचिव

CPK

6



गाजियाबाद नगर निगम

प्रेषक,

मुख्य अभियन्ता,  
गाजियाबाद नगर निगम,  
गाजियाबाद।

स्वी में,

श्री ए०के० भाथुर  
प्रोफेसर,  
सिविल इंजीनियरिंग विभाग,  
आईआईटीए (अइके० कानपुर)।

पत्रांक: निर्माण/५५/०१-२

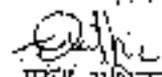
दिनांक 11-1-68

विषय :- एन०एच०-३८ के कवर भूमि पर नाले को कवर करके विकास करने हेतु तकनीकी डिजाइन व विकास की तकनीकी प्रोजेक्ट रिपोर्ट के निरीक्षण के सम्बन्ध में।

महोदय,

मैं आपकी सेवा में उपरोक्त विषयक प्रोजेक्ट रिपोर्ट की एक नति इस आशय से प्रेषित की जा रही है कि उक्त प्रोजेक्ट का निरीक्षण कर आपने बहुमूल्य परामर्श से नगर निगम को अवगत कराने की कृपा करें।

यह प्रोजेक्ट रिपोर्ट लुधियाने विश्वविद्यालय के पूर्व प्रोफेसर श्री रमेश जैसवाल के निर्देशन में तैयार की गई है। कृपया जातिना में अपनी तकनीकी राय से नगर निगम को अवगत करने का कष्ट करें।

  
मुख्य अभियन्ता,  
गाजियाबाद नगर निगम।

प्रतिलिपि - नगर आयुक्त महोदय को सूचना के लिए।

मुख्य अभियन्ता,  
गाजियाबाद नगर निगम।

CPC  
↓

**URBAN DESIGN DEVELOPMENT &  
TECHNICAL INPUTS FOR COVERING  
NALA FOR DEVELOPMENT OF NAGAR  
NIGAM LAND ALONG N.H 53-E**

**FOR**

**SAHIBABAD LINK ROAD ENTREPRENEUR  
ASSOCIATION**

**A BRIEF PROJECT REPORT**

**ARCHITECTS :**

**JAIHWAL & ASSOCIATES  
ARCHITECTS & ENGINEERS  
B-109, SARVODAYA ENCLAVE  
NEW DELHI - 110017  
PH: 41829357, 41829358  
E-mail - jaiswalasso@eth.net**

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INTRODUCTION

Sahibabad Link Road Entrepreneur Association has approached M/s. Jaiswal & Associates, having its office at B-109, Sarvodaya Enclave, New Delhi - 110017 to develop a detailed Project Report for Development of Nagar Nigam land along NH 53- E of Sahibabad industrial area. Report should provide the Urban Design Development and Technical inputs for covering the Naia

This Urban development and Technical Report for Sahibabad Industrial area along the highway is made under the Agreement between the Sahibabad Link Road Entrepreneur Association and M/s. Jaiswal & Associates signed on ..... and is the property of the Association.

This is a preliminary report, detail report and design would be submitted in stages after approval of this report from competent authority and after development rights are transferred to the Association by Nagar Nigam.

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## CHAPTER -1

### 1.0 Study of the Project

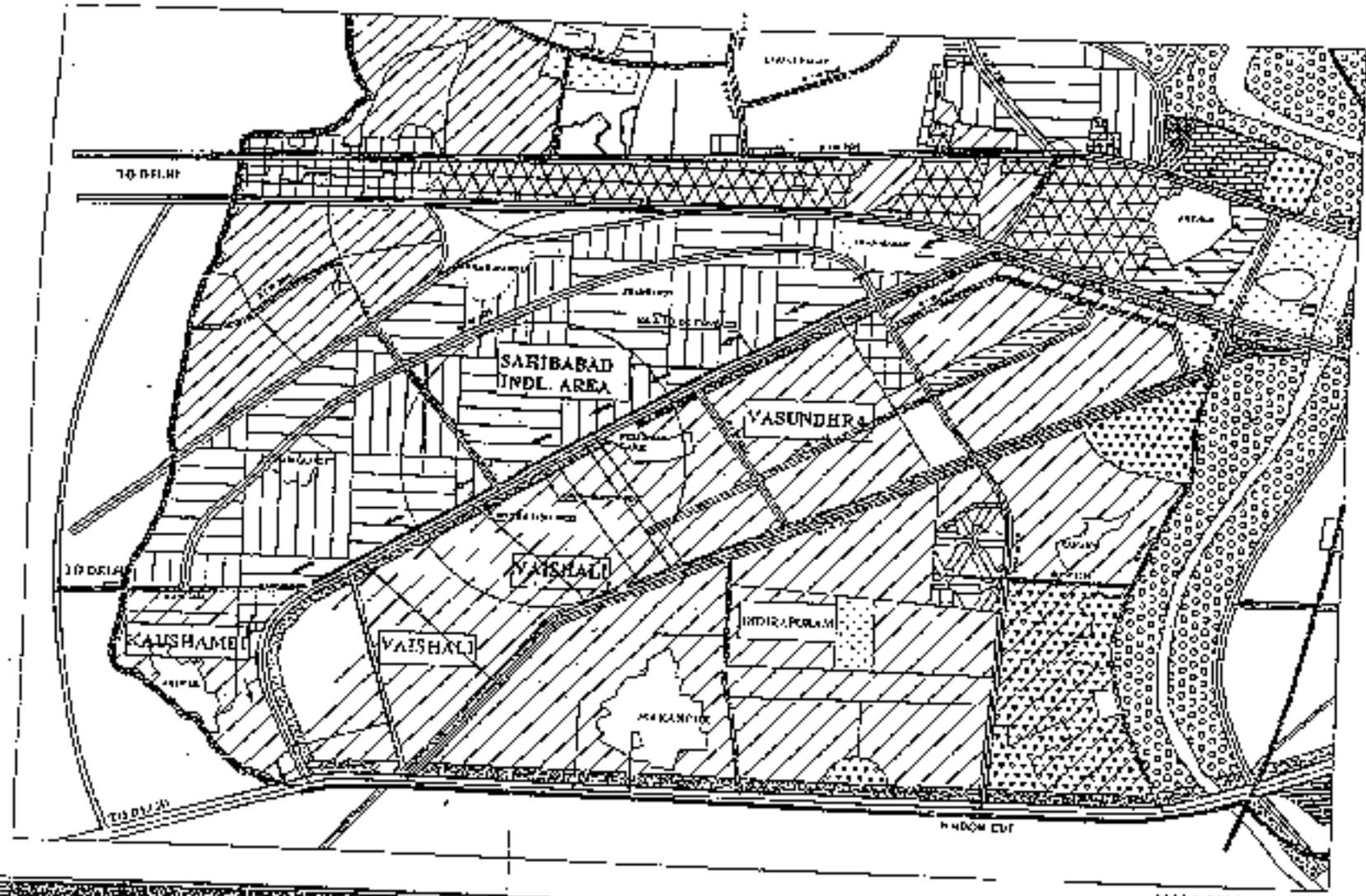
There is a strip of land at Sahibabad Industrial area between PWD land of main highway going from Delhi to Meerut. This land is running from Pacific Mall to the end of Industrial area. The total length is about 3.5 K.M.

This is approximately 18M to 20 M wide land is located between the Industrial plot allotted by UPSIDC of individual industry and NH 56. This land generally consist of nala and requires covering for the entrance of various industrial plots.

- 1.0 Municipal Corporation land and the Nala is the only entrance to most industrial plots.
- 2.0 Some plot owners have taken permission and made one of two entrances to their individual plots.
- 3.0 Some of the entry area made is of poor quality and at many places obstructs the flow of the Nala.
- 4.0 Width of the Nala varies from 2.0 M to about 18 M - 20 M and 1.0 M to 4.0 M deep.
- 5.0 There is no proper system to maintain and clean the Nala.
- 6.0 Nala carries foul materials coming to the area from the area beyond Sahibabad.



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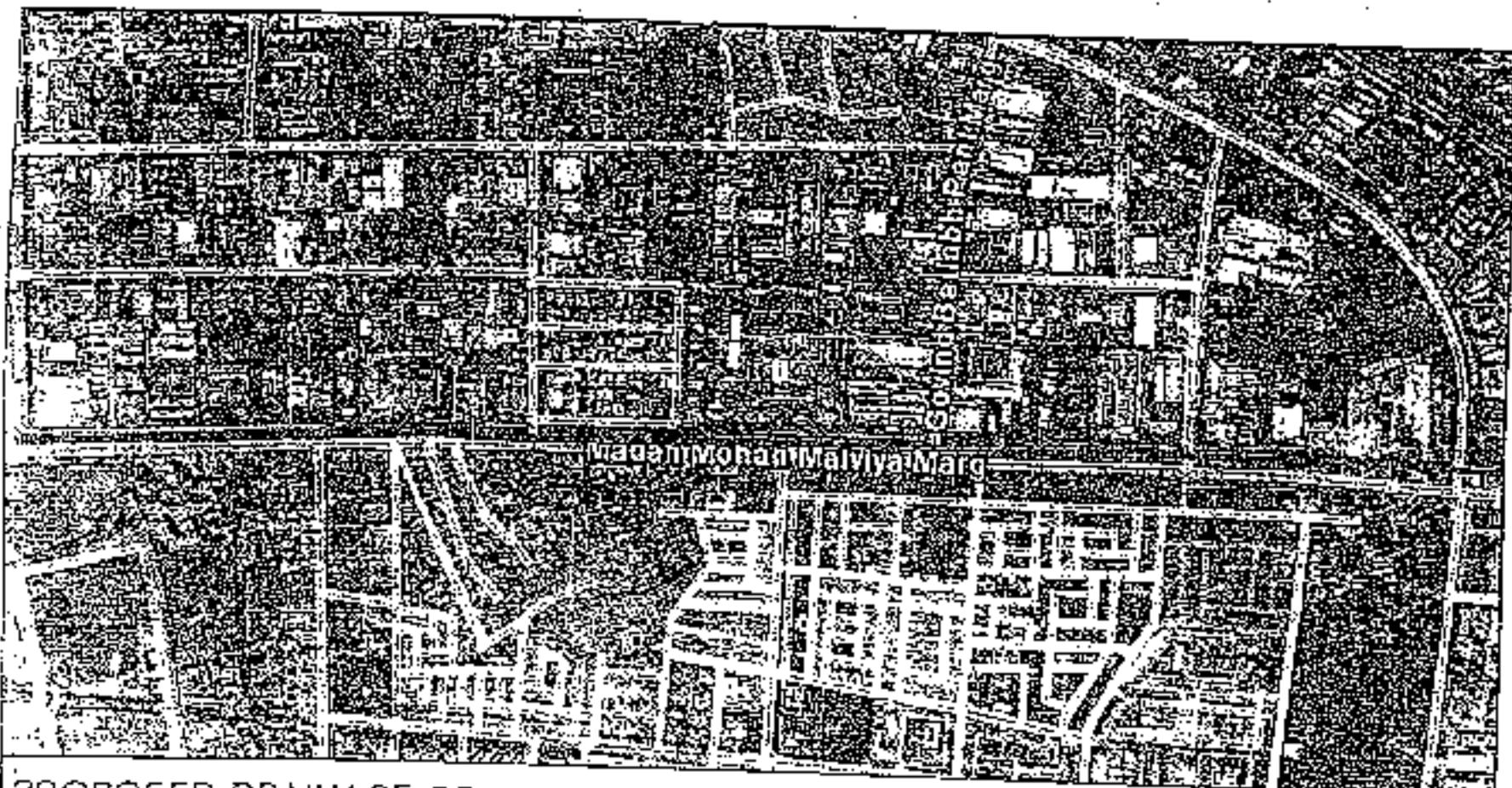


Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

ARCHITECTS:  
 JAINIYAL AND ASSOCIATES  
 E-109 SARVODAYA ENCLAVE  
 NEW DELHI - 110017  
 PH : 41829357, 41829358



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PROPOSED DRAINAGE COVER ALONG THE NATIONAL HIGHWAY 58 E

Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area

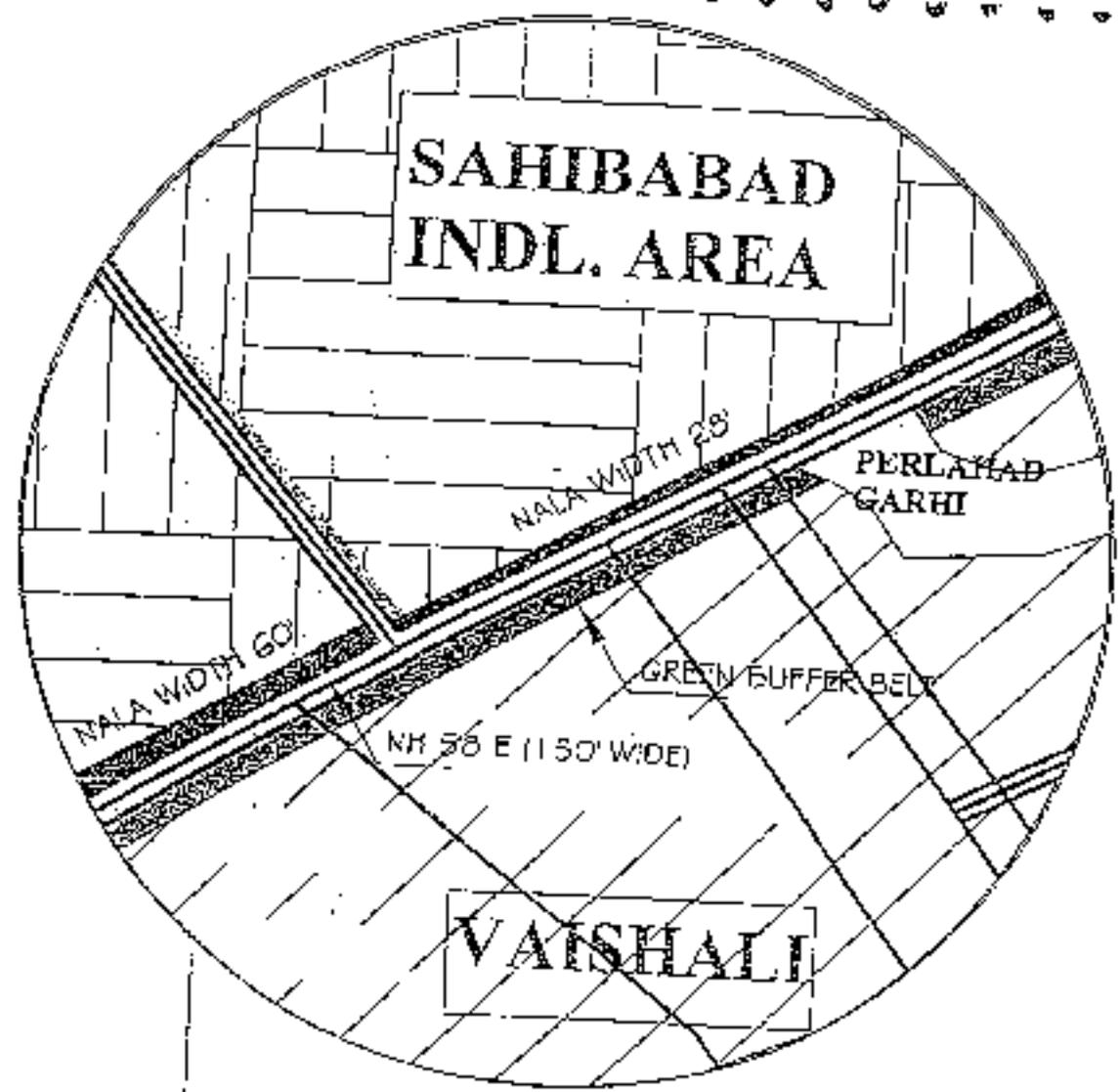
Client : Sahibabad Link Road Entrepreneur Association

ARCHITECT:  
JAISWAL AND ASSOCIATES  
B-105 DARVODAYA ENCLAVE  
NEW DELHI - 110017  
PH : 41829357, 41829368



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- 7.0 Nafa is constantly emitting Sulfur fumes and gases and fowl smell dangerous to human health. The effluent in drain should be analysed for proper treatment.
- 8.0 We understand, people in the area exposed fumes require medical help within 6 months.
- 9.0 This drain is polluting the underground water and should be taken care as early as possible.
- 10.0 Most of industries in the area have closed down. For the Development of Kaushambi - Vaishali and Vasundra etc; UPSIDC has decided to move the Industry out and allow the Land use to commercial cum Industrial use. In these areas, many new buildings have come up and many are under construction.
- 11.0 PWD road has been transferred to National Highway Authority who is constructing an eight lane highway going to Mceruf. As highway can not allow direct entrance to the industrial plots, it has proposed to build a 7.5 Mtr service road from where all the Industrial plot will get access through Nagar Nigam land
- 12.0 As mentioned earlier, for these large commercial developments 7.5 M service lane is absolutely inadequate for approaching to the plot on strip of 3.5 K.M. to 4.0 K.M. This is a serious concern and will effect the entire development.



NALA AND ROAD

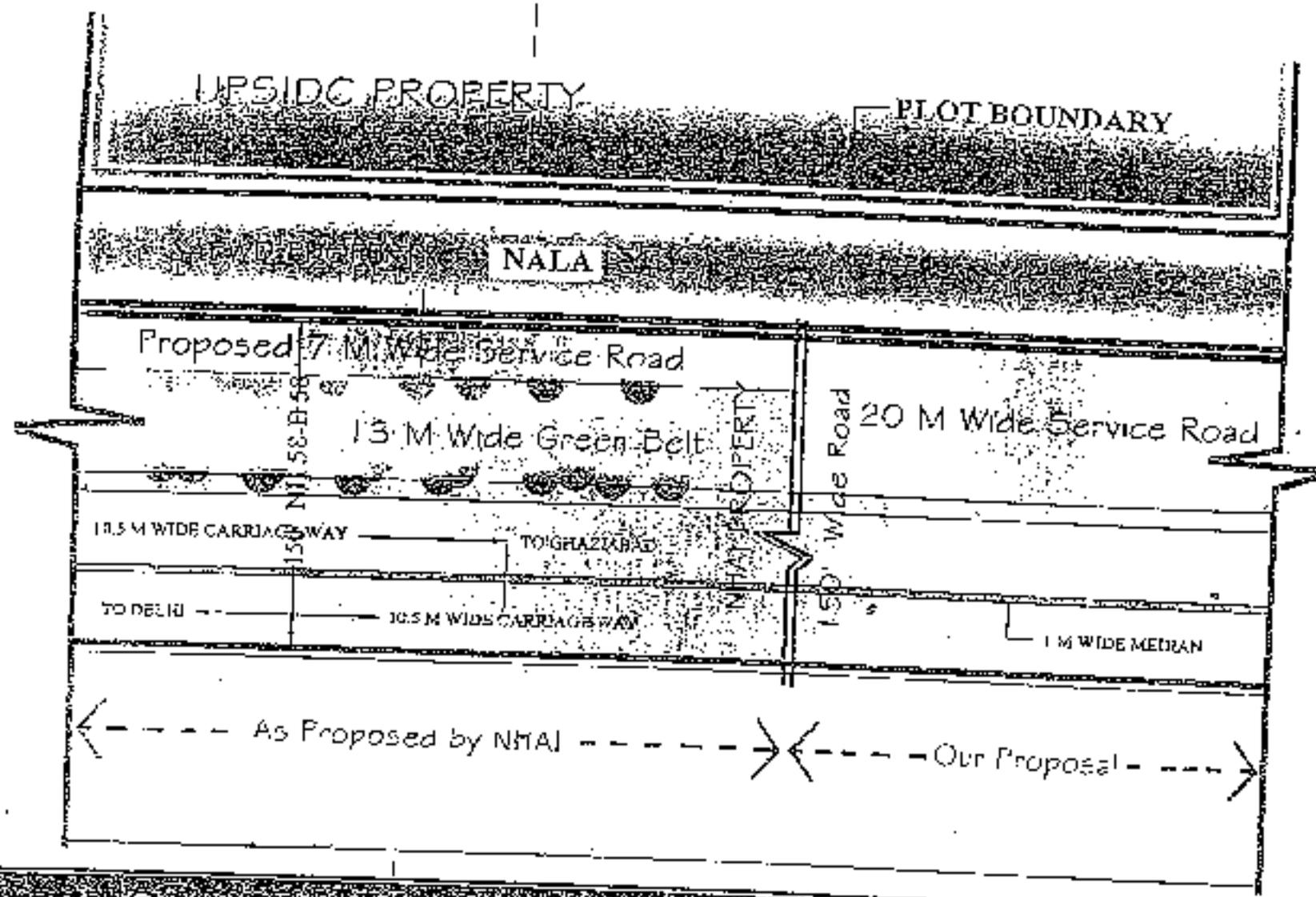
Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

ARCHITECT  
 JAISWAL AND ASSOCIATES  
 6/108 BANSODATA ENCLAVE  
 NEW DELHI - 110017  
 PH: 41629357, 41629358



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**Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area**  
 Client: Sahibabad Link Road Entrepreneur Association

ARCHITECTS:  
 JAISWAL AND ASSOCIATES  
 B-100 RAJWADA ENCLAVE  
 NEW DELHI - 110017  
 PH: 41299247, 41024758



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13.0 Before the detailed report and design of the area is made, Sahibabad Link Road Entrepreneur Association will have to obtain following information.

- a) Survey of the land belonging to Nagar Nigam including section of Nala at appropriate locations.
- b) Water analysis of Nala on various locations.
- c) Soil bearing capacity for detail design.

## Concept of the project

### A. Engineering Concept

As the nala is emitting foul and obnoxious gases and is a potential health hazard because of mosquito breeding etc, it is proposed that the nala should be covered.

It is also required for the access to the individual industrial plots, we are suggesting that the nala should be covered not only on the top but have a box channel, which will stop percolation of water. The nala effluent would damage the quality of ground water in the area, also tremendous foul smell has to be taken care of. The nala will have to be artificially ventilated as it would be completely sealed otherwise.

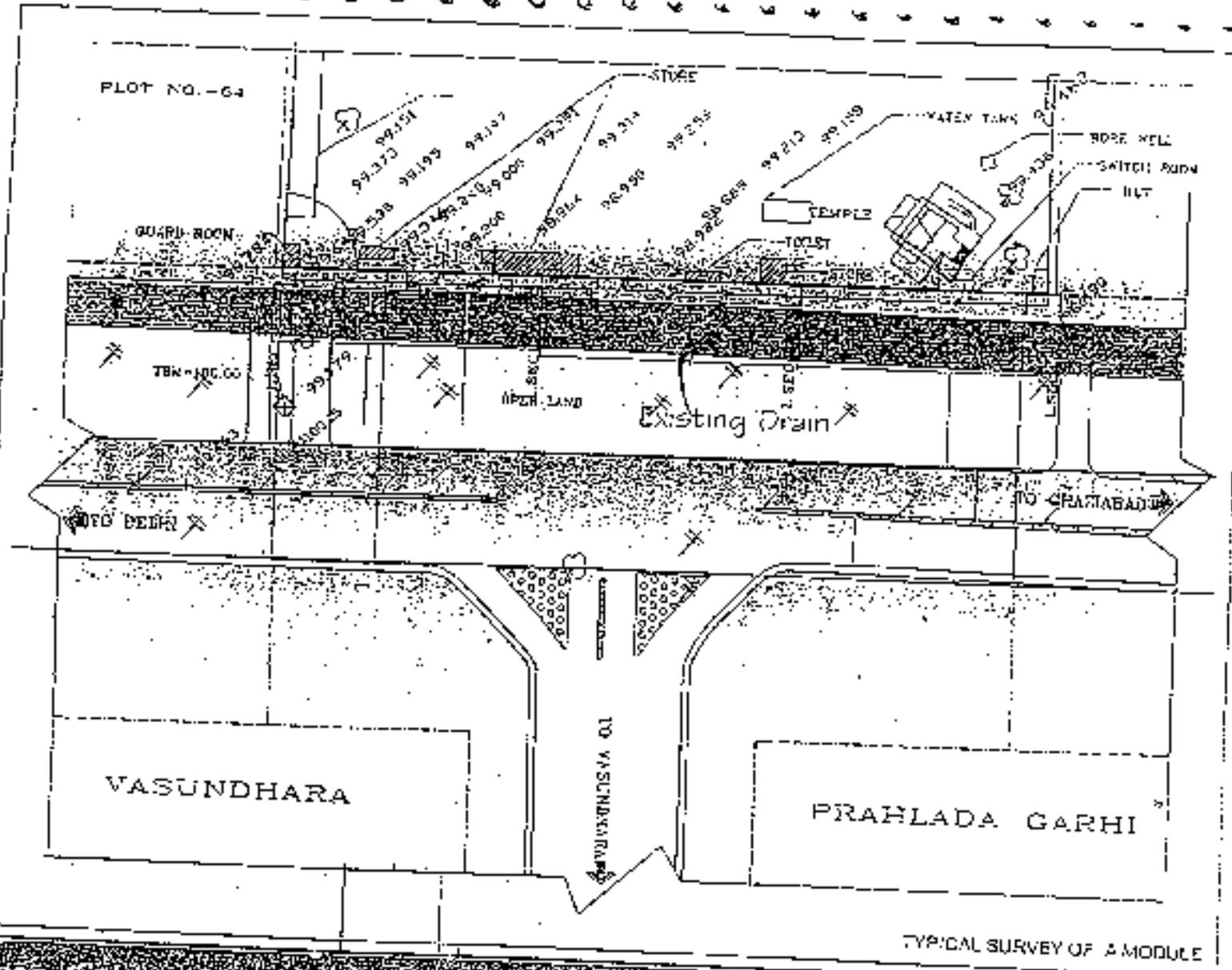
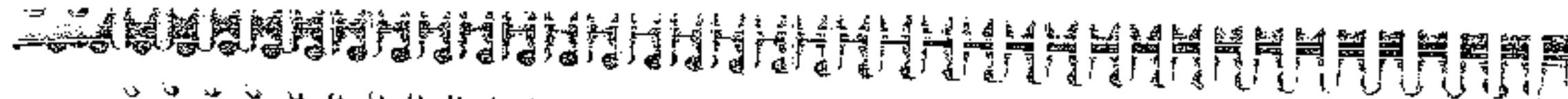
For the designing of this nala, following information would be required:-

- a) Study of cross section of Nala and its adequacy now and in future with the new development.
- b) Soil investigation to find out the bearing capacity of the soil.
- c) As the nala is already flowing, it will be necessary to divert the nala temporarily before the bottom side are casted over proposed under rim piles for supporting the structures.

- d) A proper ventilation system and cleaning system should be provided by adequate number of inspection chambers and manholes; etc.
- e) The entire RCC structure coming in contact with the affluent should be painted with acid proof paint so that the concrete may not be damaged by nala affluent.
- f) The entire structure is to be designed for 21 ton moving load keeping in mind the load of fire engine.

**B) Urban Design & Beautification Concept**

- 1) It will be necessary to provide one or two entrances to individual plots as per requirement. Rest of the area of 2 – 3 Mtrs along the service road will be kept for the design of urban street element and beautification of the area.
- 2) Generally one should allow boundary wall as per detail design to be given by the Consultant of the project. If the plot is bigger than 80 Mtrs, it would also be possible to provide more than 2 mtrs deep space and make arrangements for erecting art objects, fountain and special lighting features, etc, which will provide break in the monotonous railing for almost 3-4 K.M.
- 3) There would also be special requirements for the plantation and grow some trees as per detailed design to be submitted by the Consultant of the project.

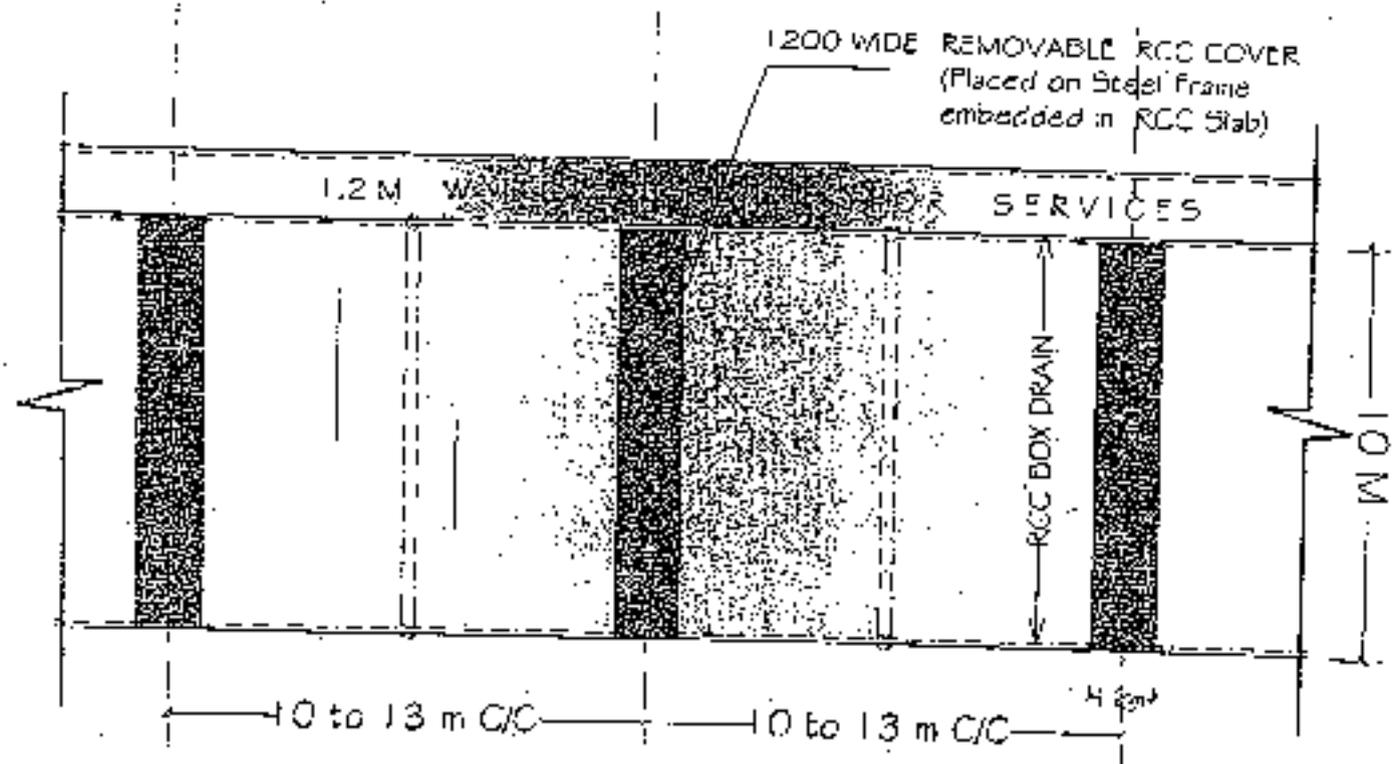


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**Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area**  
 Client: Sahibabad Link Road Entrepreneur Association

ARCHITECT:  
 JAIBWAL AND ASSOCIATES  
 B-109 SARVODAYA ENCLAVE  
 NEW DELHI - 110017  
 PH: 41045557, 41045558

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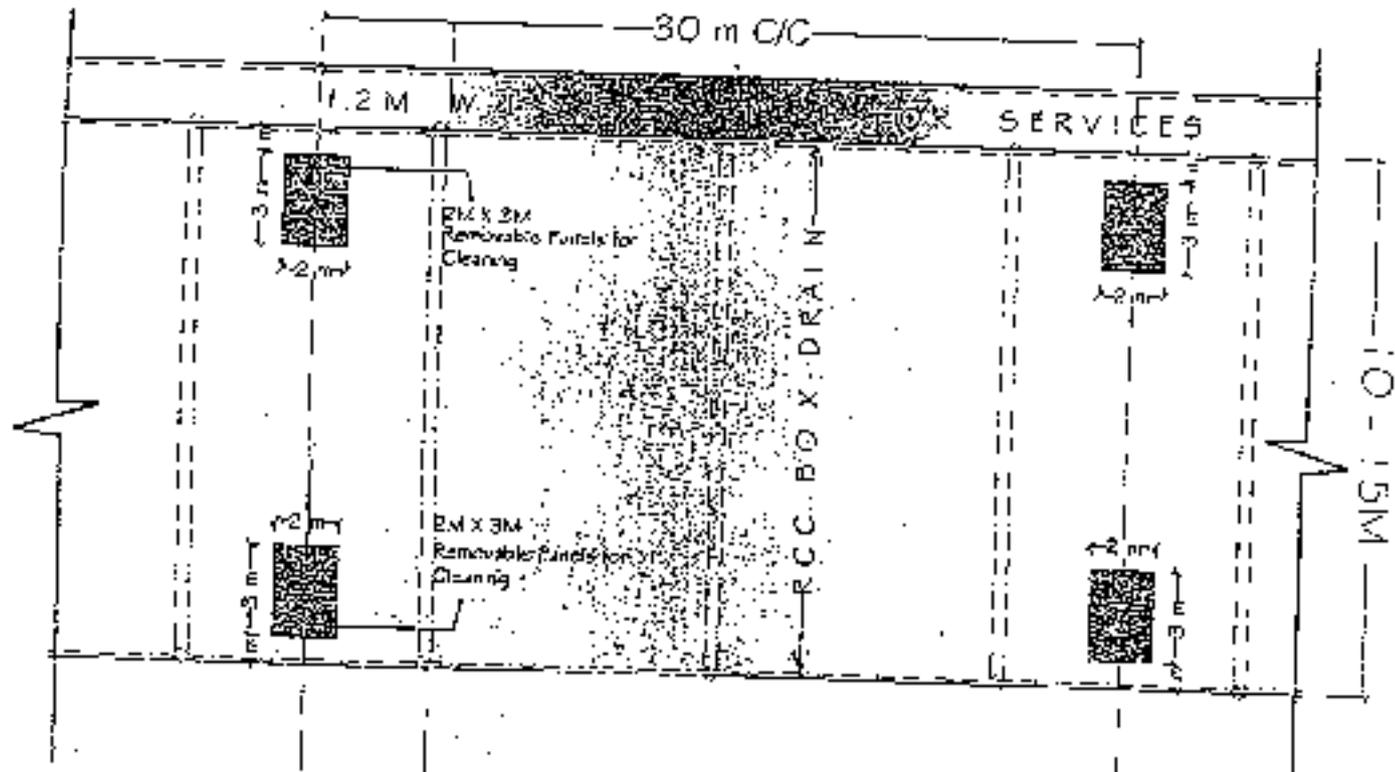
Details of Nallah Covering with Slab and Removable Cover for Cleaning  
Of Nallah at Width upto 10 m

Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
Client: Sahibabad Link Road Entrepreneur Association

ARCHITECTS:  
JAISWAL AND ASSOCIATES  
N-109 SARVODAYA ENCLAVE  
NEW DELHI - 110017  
PH: 41024997, 41070350



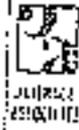
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Details of Nallah Covering with Slab and Removable Cover for Cleaning  
Of Nallah at Width 10 m - 15 m

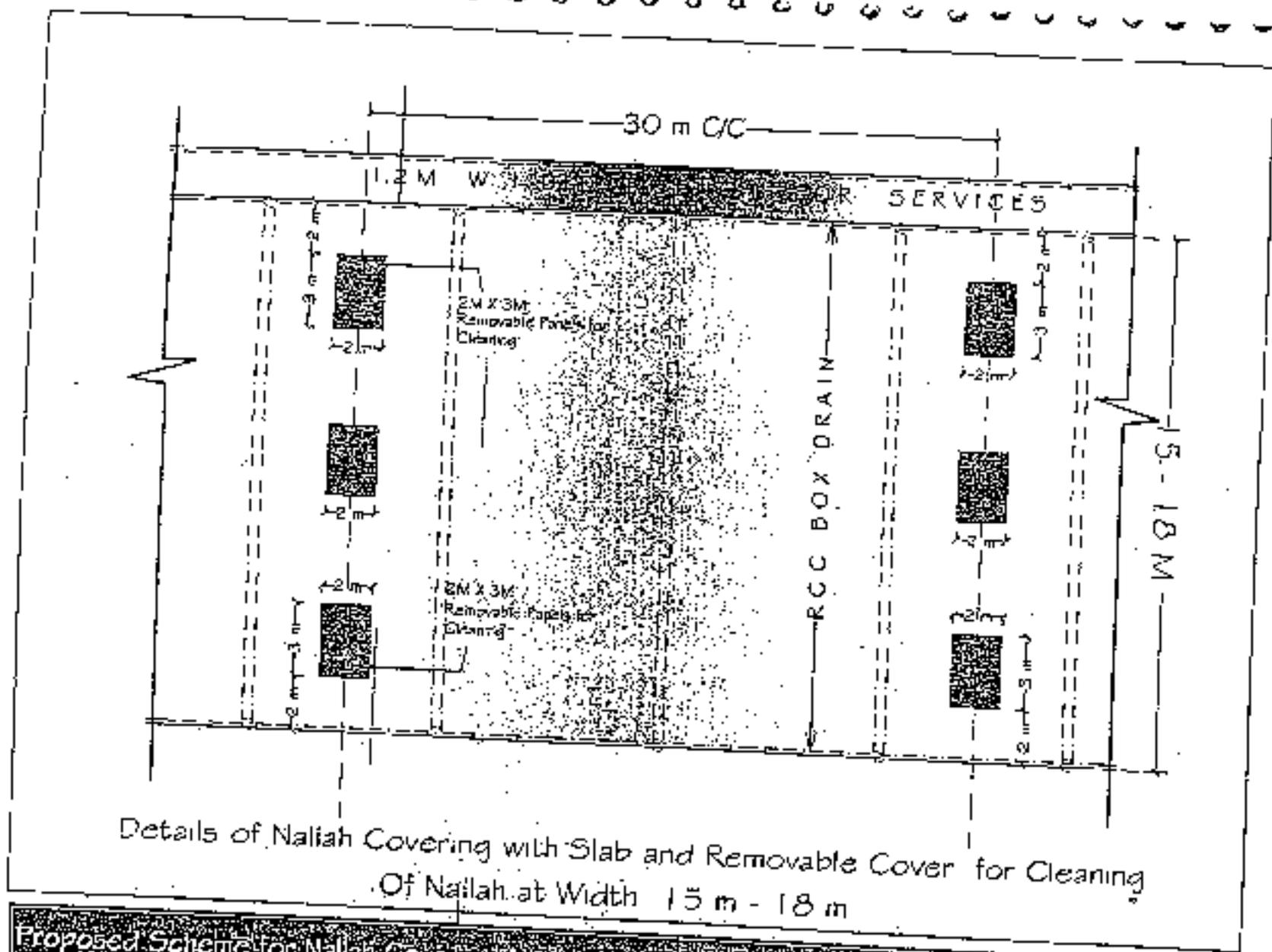
Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
Client: Sahibabad Link Road Entrepreneur Association

ARCHITECT  
JAISWAL AND ASSOCIATES  
B-109 HARIDWAR ENCLAVE  
NEW DELHI - 110017  
PH: 81229357, 41922700



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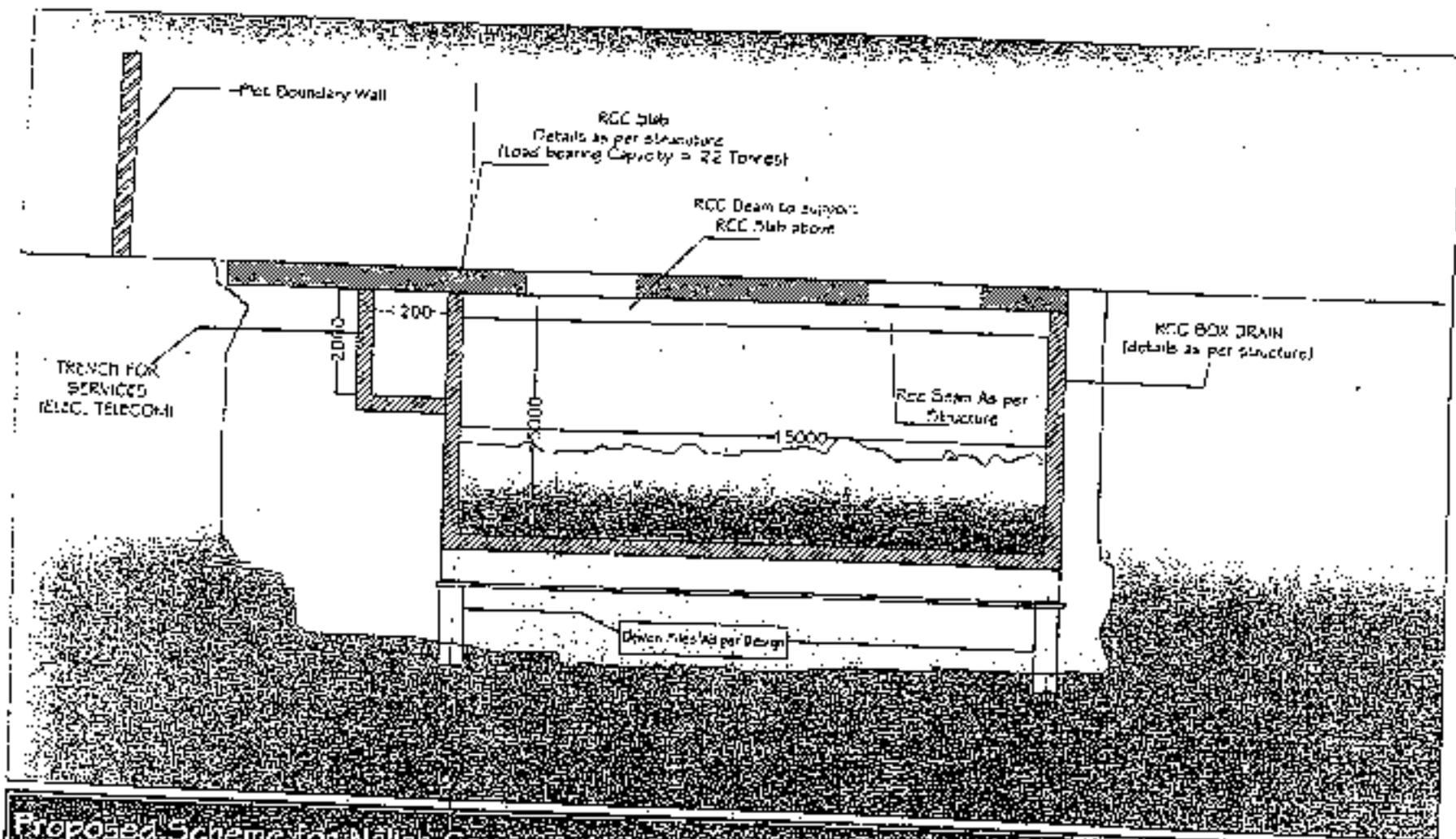
Details of Nallah Covering with Slab and Removable Cover for Cleaning  
Of Nallah at Width 15 m - 18 m

**Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area**  
**Client: Sahibabad Link Road Entrepreneur Association**

**ARCHITECT:**  
JAIRWAL AND ASSOCIATES  
B-108 SARVODAYA ENCLAVE  
NEW DELHI - 110014  
PH: 011-26299414, 26299439

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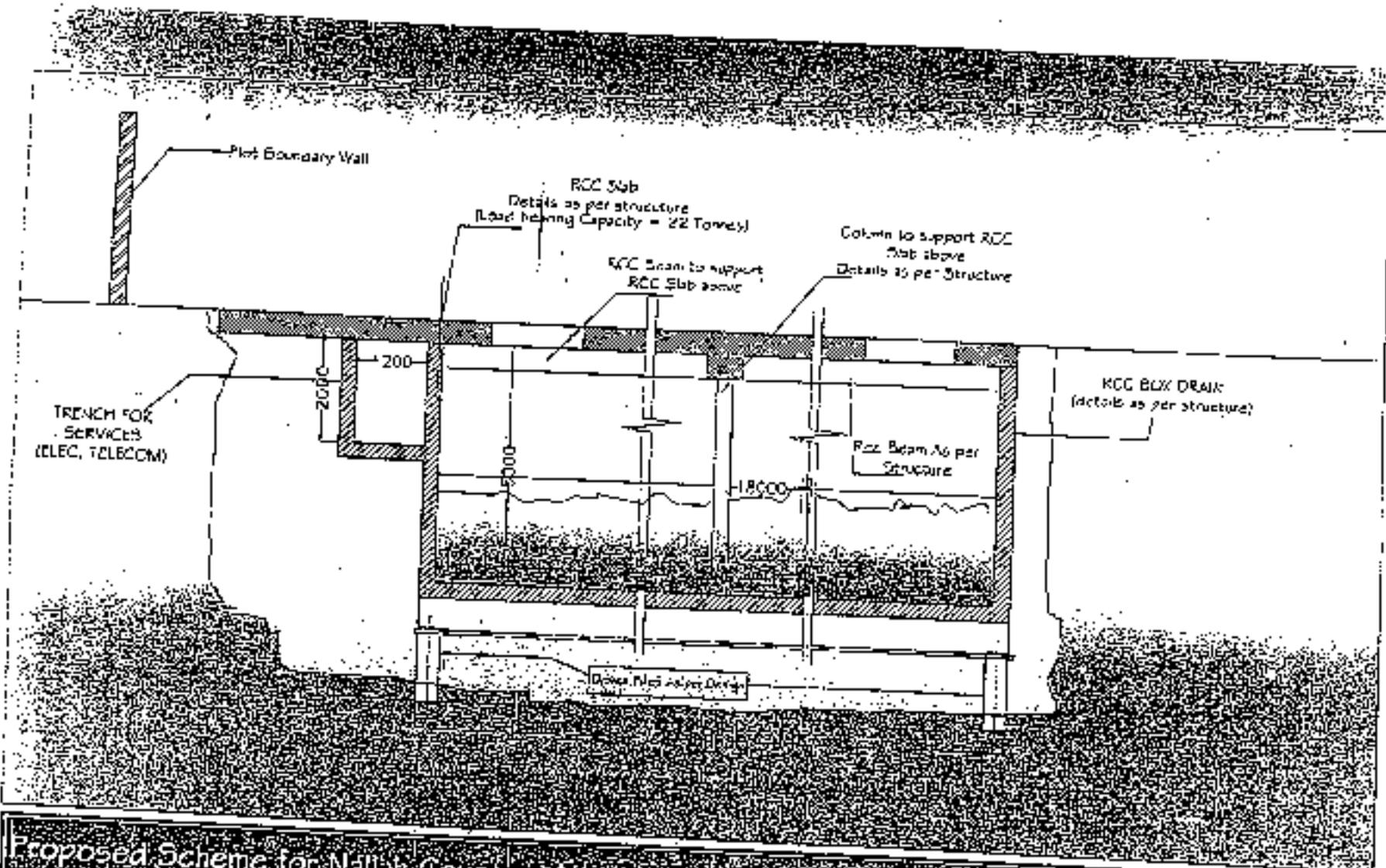
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Proposed Scheme for Nallah Covering Along Sambabad Industrial Area  
 Client - Sambabad Link Road Entrepreneur Association

ARCHITECTS  
 GARGAL AND ASSOCIATES  
 6/105 BANGOODATA ENCLAVE  
 NEW DELHI - 110017  
 PH : 41827357, 41829358



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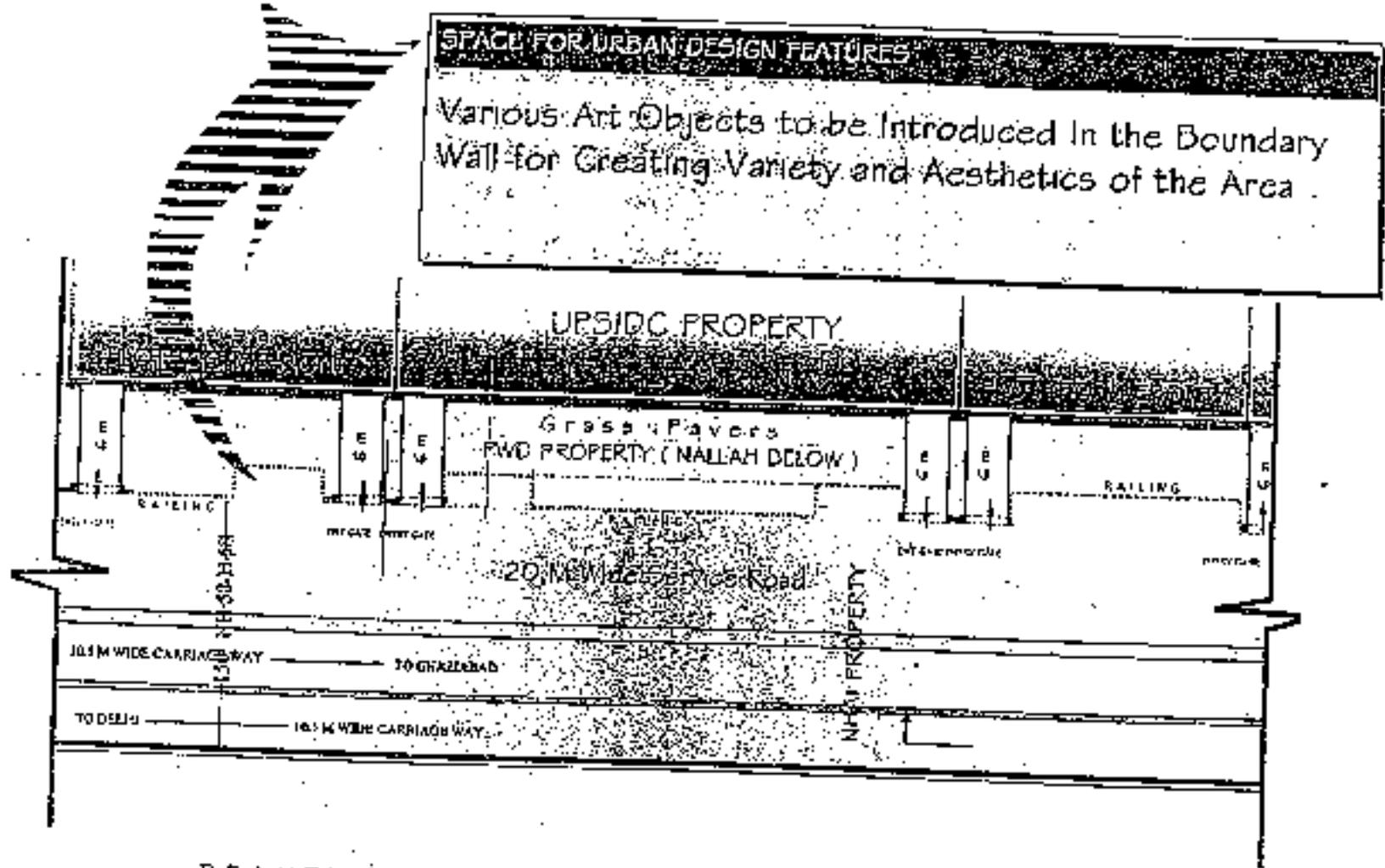
Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

PREPARED BY  
 JAINSWAL AND ASSOCIATES  
 B-109 SAHAYOGAYA ENCLAVE  
 NEW DELHI - 110017  
 PH : 41029357, 41029358



JAINSWAL  
 & ASSOCIATES

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BEAUTIFICATION OF AREA ABOVE NALLAH

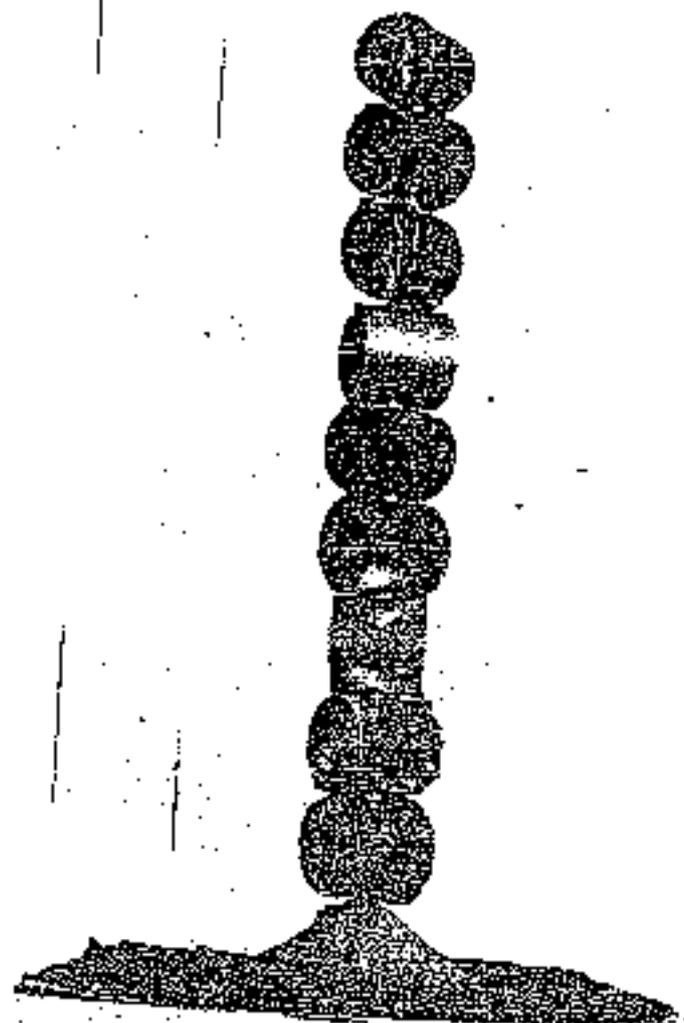
Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

ARCHITECTS:  
 JAISWAL AND ASSOCIATES  
 B-109 PARVATI ENCLAVE  
 NEW DELHI - 110017  
 PH: 41829357, 41829358

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 JAISWAL &  
 ASSOCIATES

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Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

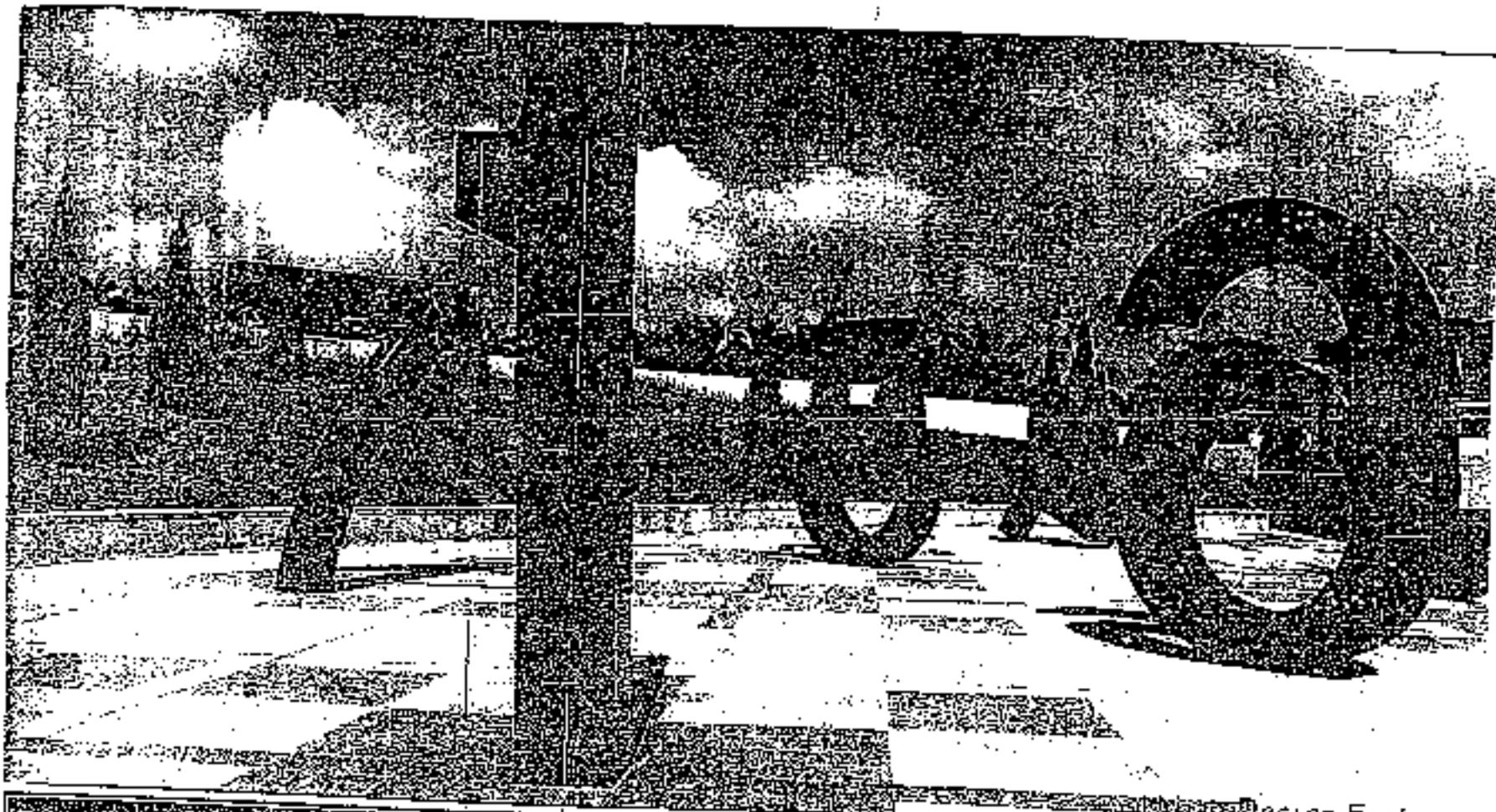
Urban Design Features

ARCHITECTS  
 KRISHNA AND ASSOCIATES  
 187/89 BANGSODA ENCLAVE  
 NEW DELHI - 110017  
 PH: 4182237, 4182238



KRISHNA &  
 ASSOCIATES

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Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area

Client: Sahibabad Link Road Entrepreneur Association

ARCHITECT:  
 JAIN WAL AND ASSOCIATES  
 81/109 SARVODAYA ENCLAVE  
 NEW DELHI - 110017  
 PH : 41829337, 41829358



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Chapter - II

Implementation

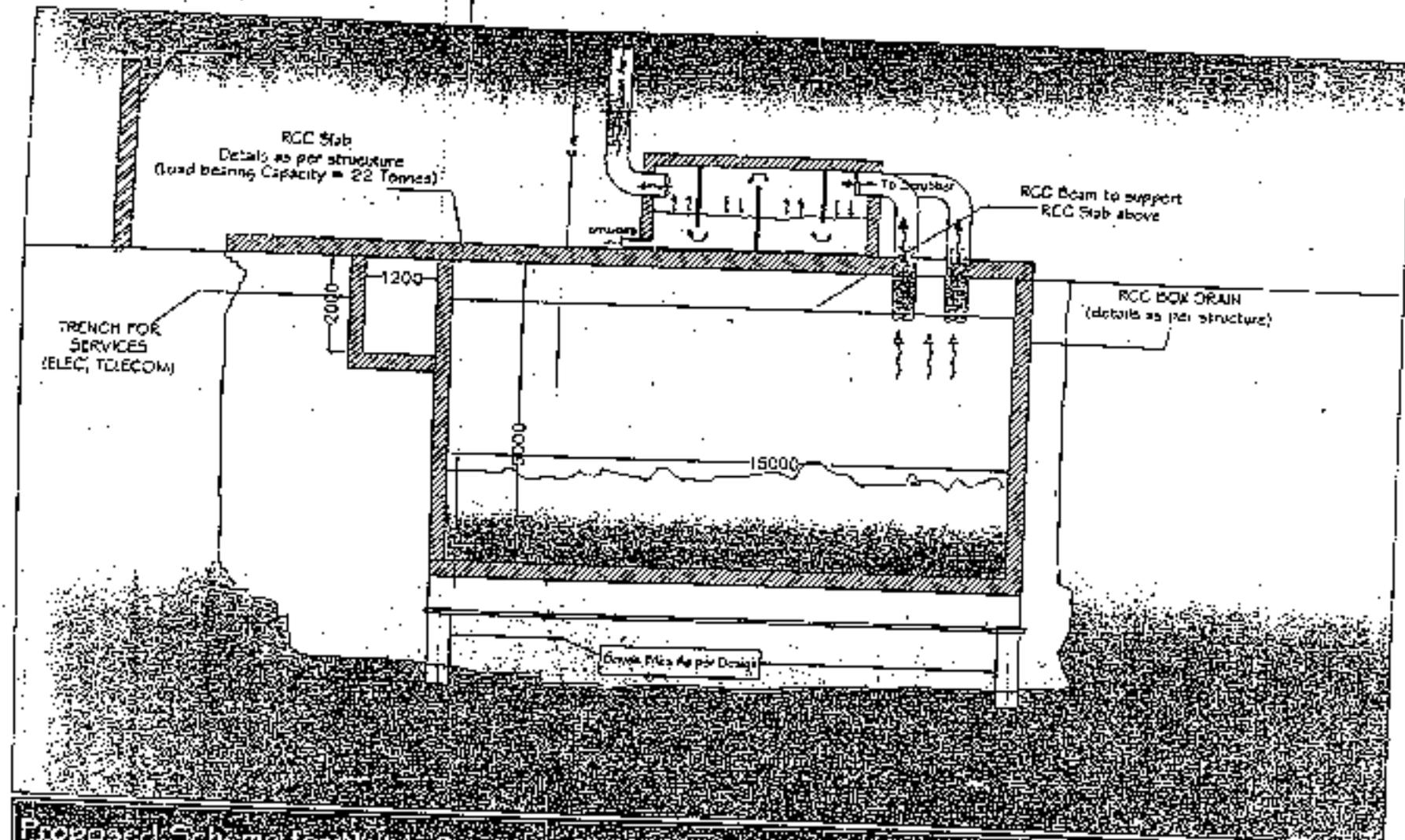
As the cost of covering the Nala with beautification of maintaining system for 3.5 to 4 K.M would be about Rs. 75 to Rs.80 crore. It may not be possible for Nagar Nigam to spend this kind of money. It is proposed that the work be given to the Association. The Association can get this implemented through individual members and pay the lease amount to Nagar Nigam.

It is proposed that the entire length of the existing Nala may be allowed to be covered by the Association through individual members and the area so reclaimed may be handed over to the owners of the abutting property on lease for certain specified years say 20 years or even up to 99 years at a pre-determined rate. By this arrangement, the area will give a presentable and good aesthetic look and a lot of area will be available for parking etc, which will also result in decongestion the prime area, which is the need of the day.

Technical Requirement

- 1) Affluent of the Nala to be tested and proper arrangements for the treatment to be suggested.
- 2) Generally it has to be concrete tube to stop any seepage of water in the ground so as to save the underground water from getting polluted.

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Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

DESIGNER:  
 JAISWAL AND ASSOCIATES  
 B-109 SARVODAYA ENCLAVE  
 NEW DELHI - 110017  
 PH: 41029357, 41829350



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- 3) There has to be proper arrangements for cleaning and treating of foul gases.
- 4) M/s. Jaiswal & Associates will give the detail design for the covering of Nala after obtaining details from Association.
- 5) However, this does not include the approval from Nagar Nigam.

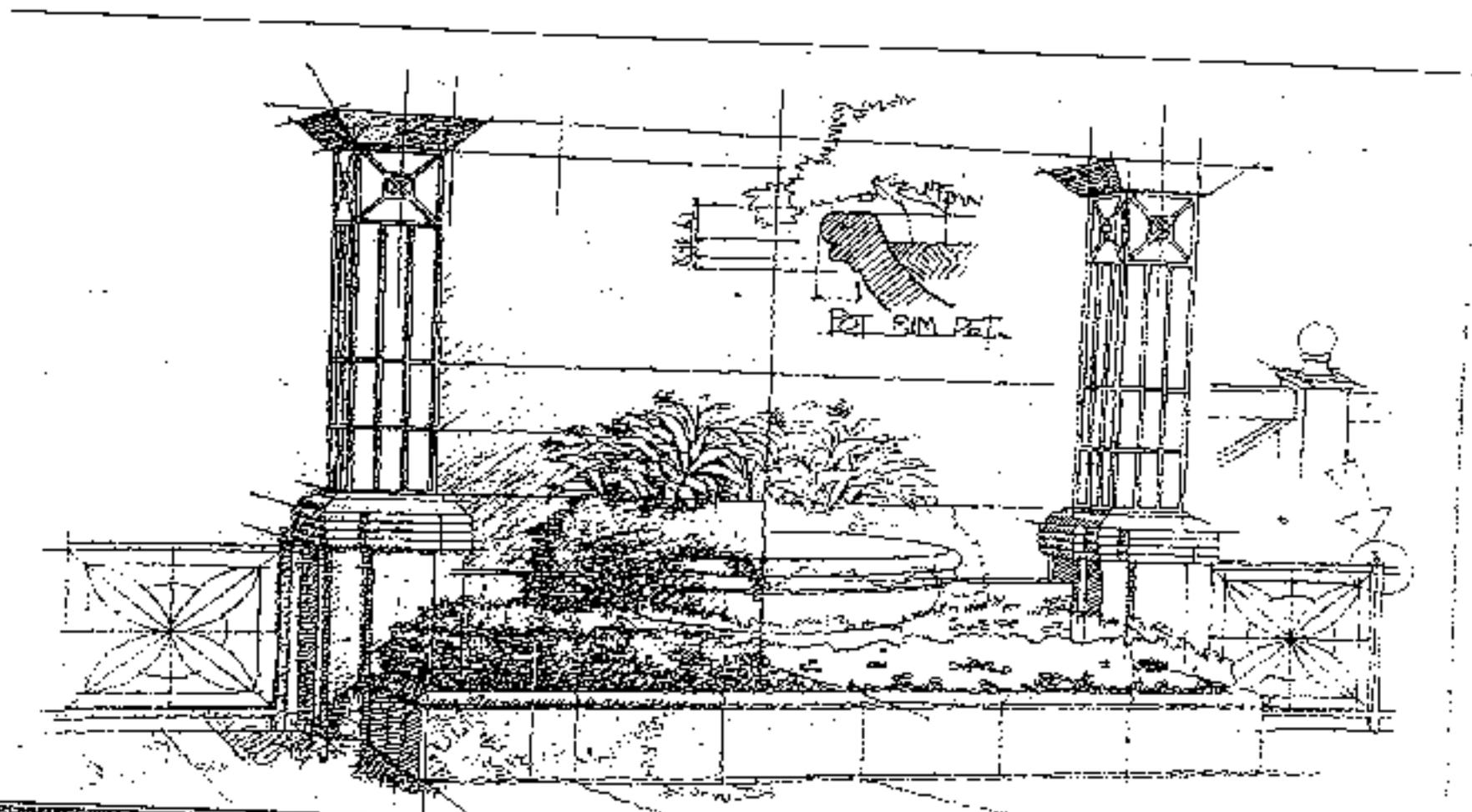
Urban Design and Beautification of the Land

As the area stretches to few kilometers, the design will need to have variety; otherwise, the entire area will be monotonous.

The area can be divided in two major sections:-

- 1) Area where the approach is only from NH 53 - E and have to cover nala for beatification. Various suggestions are given in the report. Use of the elements will depend on size and location.
- 2) Areas where approach is not required and the parties may not agree to cover the nala like Bharat Electronic, etc. The areas can be used for installing and operation of cleaning system as per requirement.
- 3) It is also possible to develop as shopping street after covering the same.

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Proposed Scheme for Nallah Covering Along Sahibabad Industrial Area  
 Client: Sahibabad Link Road Entrepreneur Association

Urban Design Features

ARCHITECTS:  
 JAIRWAL AND ASSOCIATES  
 8/109 BARVODAYA ENCLAVE  
 NEW DELHI - 110017  
 Ph: 41529357, 41828350



JAIRWAL  
 0100 9183

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Answer K/S

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**Roorkee Institute of Technology**

Dehradun Road, Roorkee, Uttarakhand  
Ph. : 01332-232920, 281021, Fax : 01332-271617  
E-mail : info@ritroorkee.com. Website : www.ritroorkee.com

The Chief Engineer,  
Ghaziabad Nagar Nigam,  
Ghaziabad

Reference: Your letter regarding reviewing the preliminary project report for covering the Nala on NH 58-E in Sahibabad Industrial area.

Dear sir,

Please find herewith attached the review report and recommendations regarding preliminary project report on proposed covering of the Nala on NH58-E in Sahibabad industrial area. You may kindly take further necessary action in the matter.

With kind regards,

Your's faithfully,

(A.K.Mathur) 15/1/08

Professor ( Retd.)  
Deptt. Of Civil Engg  
IIT Roorkee

Director, Roorkee Institute of Tech., Roorkee

analysis for proper treatment.

etc  
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# ROORKEE INSTITUTE OF TECHNOLOGY



0th Km Dehradun Road, Puhana, Roorkee, Uttarakhand ☎: 01332-232920, 281021, Fax: 01332-232920  
E-mail: info@ritroorkee.com, website: www.ritroorkee.com www.ritroorkee.org

Ghaziabad Nagar Nigam has approached for reviewing the preliminary report for the development of Nagar Nigam land along NH58-E of Sahibabad industrial area. The report has provided the Urban Design Development and related technical inputs for covering the Nala.

After going through the report and visiting the site following are suggestions and recommendations for the proposed project :

1. in the proposed project the points mentioned in the study of the project are well conceived and are acceptable. The Nala carries lots of discharges having foul materials emitting fumes, gases and foul smell seems to be injurious to human health. Also this is affecting the ecology of the area. The effluent in the drain certainly needs regular analysis for proper treatment.

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2. Provision of 7.5 m service lane is absolutely inadequate for approaching the plots and other existing structures on the plots, more so when NHAI is constructing an 8 lane highway to Meerut.

3. It is essential that before the detailed design is envisaged survey of the land with existing details including section of Nala at various locations is done. Bearing capacity of the soil determined and analysis of water flowing in the Nala is made for proper design.

The concept of the project is acceptable. Both, proposed Engineering concept and Urban Design & Beautification concept, are correctly conceived in the report.

The nala should be covered. The proposal of designing the Nala as a box type channel is an acceptable design. It will prevent damaging the quality of ground water and will prevent the emitting of foul smell.

*[Handwritten signature]*

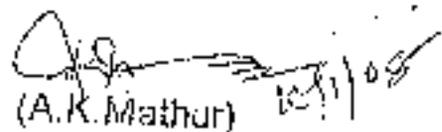
*[Handwritten initials]*

The other design points and requirements are ok, especially the reconstruction of bridges over Naia on the existing FWD roads.

The Urban design concept including plantation for ecological development should be as proposed.

The proposal of implementation of the project plays an important role in the execution of the project. The cost of covering the the Naia looks to be alright. The proposal of implementation through individual members and payment of the lease amount will make the project economically viable.

The overall project proposal should be accepted by the Nigam. This will not only improve the aesthetic look but also improve the ecology of the area and general health hazards of the people working in the area.



(A.K. Mathur)  
Professor (Retd.)  
Dept. Of Civil Engg  
IIT Roorkee

Director, Roorkee Institute of Tech., Roorkee

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BEFORE THE NATIONAL GREEN TRIBUNAL (PB),  
NEW DELHI

Annexure A-14

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REVIEW APP NO. 35 /2019

IN

Execution App. No 18/2017

In

OA No. 16/2014

IN RE :-

M/s Cloud 9 Builders

... Review Applicant

(Respondent No 6 in Ex App 18/2017)

Vs

State of UP &amp; Ors

... Respondents

IN THE MATTER OF :-

Shri Hazi Arif,

President Rashtriya Kishan Brigade

Vs

... Applicant

State of U.P. &amp; Ors.

MEMO OF PARTIES

1. Sh. Hazi Arif

President Rashtriya Kisan Brigade

R/o House No. 167, Village Maharajpur

P. O. Bharat Nagar

Salibabad, Site-4 Industrial Area

Dist. Ghaziabad, U. P. -201010

... APPLICANT

1. State of U. P.

Versus

Through the Chief Secretary

Secretariat, 5th Floor, Govt. of U.P.

2. The Regional Manager

Uttar Pradesh State Industrial Development Corporation Ltd.

G-2, 4th Floor, Mahalakshmi Mall, RDC, Raj Nagar

Ghaziabad- 201001, U.P.

3. The Municipal Commissioner.

Ghaziabad Municipal Corporation

Nav Yug Market, Ghaziabad- 201001, U.P.

4. The Member

U.P. Pollution Control Board

Pick Up Bhawan, 3rd Floor B-Block

Vibhuti Khand, Gomti Nagar

Lucknow- 226010, U.P.

Ghaziabad Development Authority

Through its Vice Chairman

GDA Building, Nav Yug Market

Raj Nagar, Ghaziabad, U.P. - 201001

... RESPONDENTS

BEFORE THE NATIONAL GREEN TRIBUNAL (PG),  
NEW DELHI

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REVIEW APP NO. /2019

IN

Execution App. No.18/2017

In

QA No. 16/2014

IN RE:-

M/s Cloud 9 Builders

... Review Applicant

(Respondent No 6 in Ex App 18/2017)

Vs

State of UP & Ors

... Respondents

IN THE MATTER OF :-

Shri Hazl Arif,

President Rashtriya Kishan Brigade

... Applicant

Vs

State of U.P. & Ors.

... Respondents

APPLICATION ON BEHALF OF RESPONDENT NO. 6 (M/s  
CLOUD 9 BUILDERS) UNDER SECTION 19(G) (F) OF THE  
NATIONAL GREEN TRIBUNAL ACT, 2010 READ WITH  
THE RULE 22 OF THE NATIONAL GREEN TRIBUNAL  
(PRACTICES AND PROCEDURE) RULES, 2011 FOR  
REVIEW OF THE ORDER OF THE TRIBUNAL DATED

8/4/2019  
08.04.2018 PASSED IN THE EXECUTION APPLICATION

NO. 18/2017 (IN OA NO 16/2014)

MOST RESPECTFULLY SHOWETH:-

1. That the present Execution Application is preferred for the implementation of the judgment passed in OA No 16/2014. It is submitted that Hon'ble Tribunal vide order dated 07.10.2016 passed in OA No 16/2014 appointed the three member Expert Committee comprising of Professor C.R. Babu, Centre, Professor for Environment Management of Degraded Ecosystem, School of Environment Study University of Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi ("The Committee" for short) with directions to carry out study of Sahibabad drain No. 1 Ghaziabad. The objective portion of the Order dated 07.10.2016 is reproduced here in below:-

".....The Expert Committee comprising of Professor C.R. Babu, Centre for Environment Management of degraded eco-system, School of Environment study University of Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi is constituted with directions to carry out study of Sahibabad drain No. 1 Ghaziabad and answer the following points:-

said Committee which is a delegatee of this Tribunal, is bound by the directions/observations of this Hon'ble Tribunal and not vice versa. Thus those findings of the said Committee which are in the teeth of the order of this Hon'ble Tribunal dated 07.10.2016 would not be entitled to any consideration by this Hon'ble Tribunal.

4. That it is pertinent to mention that in the present Execution Application, the review applicant (Respondent No 15 M/s Cloud 9 Builders in OA No 16/2014) was not made a party. However, being aggrieved by the recommendation of the said Committee, the Review Applicant filed the MA No 98/2018 in Execution Application No 18/2017 (in OA No 16/2014) for the impadment of Review Applicant as a party so that the grievances of the Review Applicant can be heard and addressed by the Hon'ble Tribunal.

5. That the Hon'ble Tribunal vide its order dated 08.02.2018 allowed the MA No 98/2018 in Execution Application No 18/2017 (In OA No 16/2014) and further directed to implead the review applicant as Respondent No. 6 in Execution Application No 18/2017. It is further submitted that the Review Applicant subsequently also filed the objections/response to the report submitted by the said Committee.

6. That it is further pertinent to mention that other similarly situated private respondents in OA No 16/2014, being aggrieved by the report of the said committee, also moved various applications for impleadment as parties in Execution Application No 18/2014 and after hearing, the Hon'ble Tribunal observed and found them necessary parties and directed to implead them as parties in Execution Application 18/2017.

7. That it is pertinent to mention that during hearing on various impleadment applications, it was brought to the notice of the Hon'ble Tribunal about the various grievances and objections to the report filed by the said Committee and therefore, Hon'ble Tribunal, being concerned, further directed in its order dated 14.11.2018 that various respondents (private respondents) in OA No 16/2014, as given in amended Memo of Parties by the applicant, were not served and therefore the Hon'ble Tribunal issued fresh notice to serve them all and further directed other impleaded private respondents to file their replies to the report submitted by the said Committee.

8. That it is further pertinent to mention that vide subsequent orders dated 12.12.2018, 20.12.2018, 21.01.2019 and 13.02.2019, Hon'ble Tribunal ensured that all the remaining private respondents in OA No 16/2014 are made parties in

Executions Application No 18/2017 after being duly served by the applicant and their respective response/reply are filed.

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9. That the Hon'ble Tribunal on 13.02.2019 after ensuring that all the remaining parties are duly served and their responses/replies are filed, directed to list the matter on 11.03.2019 for final hearing.

10. That however, when the matter came up for hearing on 08.04.2019, this Hon'ble Court had been pleased to direct the Ghaziabad Nagar Nigam and all other concerning respondents representing the Government Authorities, such as Uttar Pradesh Industrial Development Corporation, Uttar Pradesh Pollution Control Board, Ghaziabad Development Authority, District Forest Officer and Uttar Pradesh Jal Nigam to file point wise reply, in respect of each and every recommendation and action taken thereupon within two weeks from today, with an advance copy to the Counsel for the other side. Calling the Action Taken Report from the above mentioned authorities without considering the stand of the Review Applicant while the said report of the Committee itself is not legally sustainable, is error apparent on the face of record which requires the Order dated 08.04.2019 to be reviewed/recalled.

11. That Review Applicant craves leave to this Hon'ble Tribunal to succinctly state the true factual and legal aspects which contradicts the correctness of the report of the Committee and thus render the report of the Committee non-implementable. It is pertinent that Review Applicant has sought all prior requisite permissions from all concerned Government authorities which includes the agreement with GDA, permission from Ghaziabad Nagar Nigam, etc. While the said committee has changed the findings of the judgment passed by the Hon'ble Tribunal in OA 16/2014 regarding the nature of drain and recommended to remove all cover constructed over the drain, and if the action is taken by the GNN without hearing its objections, then the Review Applicant would be remedy less and gross injustice would be done to review applicant.

12. That it is respectfully submitted that the Hon'ble Tribunal in order dated 07.10.2016 have given finding that the 'drain' under consideration 'can be viewed as Manglade Storm water Drain'. While on the contrary, the Committee has recommended that 'the entire Sahibabad drain should be restored as natural storm water drain and no sewage or industrial effluent should be allowed to discharged into it' which makes it very clear that the Committee has made recommendations against the directions and observations made by the Hon'ble Tribunal vide order dated 07.10.2016. Thus in present case, against the settled legal

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position, the Committee which was appointed vide Order dated 07.10.2016, has made recommendations contrary to the findings/observation of the order under which it was formed. Thus, the recommendations of the said Committee are simply overreach of the powers delegated to it and its report deserves to be set aside.

13. That the fact that, the said Committee has completely changed the findings of the judgment dated 07.10.2016, itself indicates that the said Committee has overstepped the scope of the mandate of Committee mentioned under the judgment dated 07.10.2016.
14. That it is quite ironical that the said Committee was also formed by the Hon'ble Tribunal in Manoj Mishra Vs. Union of India and Ors ( As per Judgment dated 13-01-2015 in Original Application No. 6 of 2012 pertaining to clean and rejuvenated Yamuna River Delhi as well as 300/2013 pertaining to drainage system in NGT of Delhi). It is pertinent to mention that in the said order, the Hon'ble Tribunal allowed in Delhi to cover the drain falling in Delhi with the permission of the Hon'ble Tribunal wherein already 85% work is completed which implied to making it prospective in nature. Thus it is clear that the said Committee was aware of the view taken by the Hon'ble Tribunal. While in the present case, the said Committee completely overlooked this fact that the respondent has

completed the 100% work related to covering of drain with all required prior permissions of the concerned administrative authorities. This further makes it clear that the Committee overlooked all the factual and legal position in making recommendations.

15. That the Committee completely failed to peruse the official records and appreciate the fact that the said drain is the only man made drain to carry out the effluent and discharge from both densely populated domestic area and industrial area of very vast region and the change of nature of said drain against the findings of the Hon'ble Tribunal would lead to disaster and would be highly impractical in absence of any other alternative.

16. That the said Committee failed to appreciate the fact that the present capacity of the Sahibabad Drain is approximately 120-125 MLD. It is pertinent to mention that presently the average flow of the water in the Drain is approximately 74 MLD only.

Further, initially it was estimated that drain would be carrying 60 MLD from industrial discharge and 8 MLD from domestic discharge. Since over the years, several industries are either closed or shifted, therefore there is decrease in the industrial discharge, however, because of increase in residential area and density, domestic discharge is increased. So overall 10% rise in average flow of water is observed thus making it to

approximately 74 MLD. It is also worth to notice that in view of total carrying capacity of the Sahibabad drain being approximately 120-125 MLD, the present average flow of 74 MLD is very low and in near future, there is no need for the upgradation of the Sahibabad Drain No. 1.

17. That the said Committee further has given a wrong picture of the drainage system of the area and overlooked the fact that from the STP point at Indrapuram which has capacity to treat 74 MLD of mix water of sewage and drain water, treated water is discharged in to river Hindon through drains and the carrying capacity of this outlet drain is only approximately 30-35 % of total treated water at a point. Therefore, it was observed to increase the width of this drain to discharge the treated water in to river Hindon and proposal for the same is already being moved being joint responsibility of GDA and Municipal Corporation. It is also pertinent to mention that when the capacity of outlet drain for carrying treated water from STP, Indrapuram to river Hindon will be 100%, there will no water logging in Sahibabad Drain No. 1 and it will remain almost dry. This fact further indicates that even there is no need to upgrade the carrying capacity of the Sahibabad drain No. 1 in near future.

18. That it is surprising fact that said Committee observed that entire drain through the industrial area has been covered. The Point 1 of General Observation mentions as following:-

"Almost the entire drain through the industrial area has been covered. Only few, small stretches are open to sky particularly where the plots have not yet been fully developed..."

Further at Point 4 of the General Observations, Committee mentions that:-

"It is practically impossible to clean the drain in the absence of adequate access through large openings at reasonable intervals."

While the fact is that only 14.75% (0.907 km out of 6.149 Km from Railway Crossing to NH 24) and 20.64% Km 0.322 Km out of 1.56 Km of residential area) is covered and the rest of the drain is open which proves that there is no problem of access for cleaning the drain. Further the responsibility of cleaning the area of covered drain is responsibility of the respective respondent and for that they pay highest charges/taxes to Ghaziabad Nagar Nigam and Ghaziabad Nagar Nigam in turn in case of any violation related to cleaning and maintaining of covered area of

drain takes penal action against the respective party. This proves beyond doubt the recommendations have been made out by the Committee without any study and perusal of official record.

19. That the said Committee failed to make any scientific study of the area and the problems typically associated with it. It is pertinent to mention that submissions made by UPPCB in para 7 of the additional reply in QA No 16/2014, is based on proper study and it reads as under:-

7. That regarding in flow of water in the drain, it is submitted that quantity of discharge is directly proportional to the cross section of drain and velocity of water flow. Velocity of water flow directly proportional to the hydraulic gradient of the drain. It is observed that Sahibabad drain have sufficient hydraulic gradient.

8. That due to lesser cross section, these sections have higher flow velocity which increases self cleansing velocity of that particular sections...

Thus it is apparent that there is no question of water logging in the areas where the drain is covered. Further the concerned plot holder is regularly cleaning and maintaining the covered drain so there is no remote probability of the accumulation of waste/sludge inside the covered drain.

20. That it is further ironical and pertinent to mention that the Committee itself found that

"The entire area is filled with foul smell caused by high load of sewage and organic wastes that is releasing both ammonia and H<sub>2</sub>S due to highly anaerobic conditions. Huge amounts of sludge have been accumulated in the drain as can be seen in open stretches. The areas are also loaded with all kinds of solid wastes and near the Express Building, rag pickers are at work. These wastes are a direct health hazard to the people living the area, workers in different establishments and also those doing petty business along the roads. All the people passing through the area are exposed to foul smelling gases. The natural vegetation is practically non-existent. The industrial effluents appear to be toxic and interfering with the degradation of the organic waste."

It is apparent from the above that this is condition of the open area of the drain while the Committee recommended to remove the cover part of the drain. Few recent photographs taken along the open area are annexed herewith which clearly proves the threat to environment caused due to dumped garbage in open areas of the drain. While the respondent places other photographs to show that the area of covered

drain is completely clean and the respondent has maintained green cover over it.

21. That it is made clear from the aforementioned facts that the Committee has given the contrary findings to its own observations and thus making it not sustainable in the eye of law. It is pertinent to mention that the Committee could not find any thing which is increasing pollution or contributing to pollution where the drain is covered, still vaguely recommended to remove the cover without any sound reason.

22. That it is crystal clear from the above that the report submitted by the said Committee has given report which is not only against the findings of the judgment dated 07.10.2016 but the same is also based on an incorrect legal and factual positions and deserves to be set aside.

Limitation Clause:

That the order passed in O.A. No. 16/2014 was passed on 08.04.2019. That the present review application is being filed on 02.05.2019 which falls within the statutory period of 30 days for filing a review application under Section 19(4)(f) of the National Green Tribunal Act, 2010.

PRAYER :

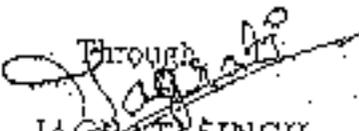
In view of aforementioned facts and circumstances, it is respectfully prayed that this Hon'ble Court:

- (i) may be pleased to review the order dated 08.04.2019 passed in Execution App No 18/2017 in OA No. 16/2014
- (ii) Such other and further order which their Lordships of this Hon'ble High Court deem fit and proper may please be passed.

Respondent No 6

Place: New Delhi

Date: 30.04.2019

Through  
  
**JAGRATI SINGH**  
 Advocate for Respondent No. 6  
 J-12, LGF, JANGPURA EXTN  
 New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL (P.B.),

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NEW DELHI  
REVIEW APP NO. /2019

IN  
Execution App. No 18/2017  
In  
OA No. 16/2014

IN RE :-  
M/s Cloud 9 Builders  
Vs. Review Applicant  
(Respondent No 6 in Ex App 18/2017)

State of UP & Ors  
Vs. Respondents

IN THE MATTER OF :-

Shri Hazi Arif,  
President Rashtrya Kishan Brigade  
Vs. Applicant

State of U.P. & Ors.  
Vs. Respondents

AFFIDAVIT

I, Atul Kumar of 11, Sector 14, Connaught Place, New Delhi  
do hereby solemnly affirm and state as follows:

1. That the accompanying reply has been drafted on my instructions and I am well conversant with the facts and circumstances of the case, and competent to swear this affidavit.
2. That the contents of accompanying reply are true and correct to the best of knowledge, belief and derived from the record and nothing is false therein.



*[Signature]*

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DEPONENT

~~WITNESSED BY~~

Verification:-

Verified at New Delhi on 25/04/18 that the contents of above paras are true and correct to my knowledge and belief and nothing is false therein.

*[Signature]*

DEPONENT

WITNESSED BY



ATTESTED

Notary Public, Delhi  
(As Presented)

*[Signature]*  
30/04/18

-TRUE COPY-

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

IA No. 465 /2019

In

Execution App. No.18/2017

In

OA No. 16/2014

IN THE MATTER OF :-

Shri Hazi Arif,

.....Applicant

Versus

State of U.P. & Ors.

.... Respondents

AND IN THE MATTER OF:-

President Rashtrya Kishan Brigade

.....Applicant

Vs

State of U.P. & Ors.

.... Respondents

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Place: New Delhi

Date: 02.08.2019

Filed By:

  
JAGRAT SINGH  
Advocate for R-6

J-12, LGF, Jungpura Extension  
New Delhi

M : +91 925020853

jagratisingh2006@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IA No. /2019

In

Execution App. No.18/2017

In

OA No. 16/2014

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IN THE MATTER OF :-

Shri Hazi Arif, .....Applicant

Versus

State of U.P. & Ors. .... Respondents

AND IN THE MATTER OF:-

President Rashtrya Kishan Brigade .....Applicant

Vs

State of U.P. & Ors. .... Respondents

INTERLOCUTORY APPLICATION ON BEHALH OF  
RESPONDENT NO 6 i.e. M/S CLOUD 9 BUILDERS IN  
EXECUTION APPLICATION NO. 18/2017 (RESPONDENT  
NO. 15 (IN OA NO 16/2014)) FOR TAKING  
ACCOMPNAING REPORT ON RECORD

MOST RESPECTIFULLY SHOWETH:-

1. That the present Execution Application is pending before this Hon'ble Tribunal for adjudication. It is respectfully submitted that the Hon'ble Tribunal vide order dated 07.10.2016 passed in OA No 16/2014 appointed the three member Expert Committee comprising of Professor C.R. Babu, Professor, Centre for Environment Management of Degraded Ecosystem, School of

Environment Study University of Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi with directions to carry out study of Sahibabad drain No. 1 Ghaziabad. It is pertinent to mention that the report submitted by the said Committee was contrary to the factual as well as observations made by this Hon'ble Tribunal in its order dated 06.10.2016, therefore, the respondent No 6 filed detailed objections to the said report and the averments made in said application should be considered as part and parcel of present application and the same are not being repeated herein for the sake of brevity.

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2. That it is pertinent to submit that one Expert Member of the said Committee Prof C.R. Babu submitted an additional report on 03.05.2019 regarding the water samples collected from the stretches of the said drain. It is pertinent to mention that once again the said Expert Committee failed to appreciate the correct factual aspects of the issues under consideration in comprehensive manner and submitted a vague report on the basis of samples collected from only selected places. They have limited their report only to anaerobic and aerobic analysis of covered and uncovered area only.
3. That being aggrieved by the recommendations made in both reports submitted by the Expert Committee, respondent herein approached Dev ELT Consultants headed by Dr Devendra Kumar Agrawal, former Expert Member, National Green Tribunal and got detailed report prepared by using the scientific

methods based on latest technology and record available on the status of the said drain regarding its Catchment Area, Drainage, Sewerage Network, Land Use etc and various issues under consideration which is placed as Annexure -R6/1 (Colly).

23/11  
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4. That it is respectfully submitted that said report of expert member Dr Devendra Kumar Agarwal has reconfirmed the same and has observed at page 3 of its report that :-

"...Figure 1 presents the contour map of the catchment to highlight the fact that the entire catchment area of Sahibabad Drain No. 1 is not a low-lying area or depression as such. It clearly indicates that Sahibabad Drain was not constructed simplicitor for discharge of accumulated storm runoff in a low-lying area rather it was meant for discharge of storm runoff as well as discharge of waste water from Sahibabad Industrial Area established somewhere in 1980."

5. That it is further pertinent to mention that the said report had specifically observed that about 94 MLD sewage flows through the Sahibabad Drain rendering it to 'OPEN SEWER'. Further the total quantum of sewerage and industrial waste water during non - monsoon is about 139 MLD which makes Sahibabad Drain a 'OPEN SEWER'.
6. That report further considered total storm water runoff of the catchment area of Sahibabad Drain and mentioned on page 6 of this report that:-

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"...Taking the area of the catchment, the storm runoff to be handled at the outlet at the time of peak discharge works out to be almost 59 cubic meter per second and if to this, quantum of sewerage and industrial waste water is added, the total discharge to be handled by the Sahibabad drain (or OPEN SEWER) works out to the extent of 61 cubic meters per second.

7. That it is further observed in the said report that:-

"..In order to assess the adequacy of the Sahibabad drain (or OPEN SEWER) in handling the peak discharge; cross-sections of the drain were physically measured at few locations and are depicted in Figure 8. At these locations, using float method, velocity of the flow in the drain was also recorded and is mentioned in Figure 8 itself. It may be seen that at the final outlet location, the velocity was 0.90 m/second thus indicating that the cross-sectional area needed to handle peak discharge of sewerage, storm runoff and industrial waste water is 68 square meters; whereas the cross-sectional area of the Sahibabad drain (or OPEN SEWER) at this location is almost 72 square meters highlighting that under normal circumstances, the drain is well capable of handling the peak discharges."

It further observes that :-

"...During the ground truthing survey of the entire drainage network, it was observed that entire drain (or OPEN SEWER) is lined with bricks and mortar so as such the purpose of recharge is defeated apart from any likelihood of impacting the ground water quality. It was also observed that development of residential areas (authorized and unauthorized) has led to discharge of sewer discharge into the drain (or OPEN SEWER) including its tributaries. Pipe lines discharging sewage can be seen all along the length of the drain and its tributaries. Illegal encroachment on the banks of drain by cattle owners were noticed in BrajVihar area and discharge of dung and liquid waste was noticed. Illegal animal slaughtering and discharge of waste water (untreated) is also at few locations. Dumping of MSW

(Municipal Solid Waste) in large quantities by unauthorized settlers on the banks of drain is obstructing the flow at numerous locations. Representative photographs of lining, discharge of sewerage into the drain and illegal dumping of animal waste, MSW, etc. are enclosed as Figure 9.

24/6  
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8. That in order to get fair idea of the quality of waste water in drain (OPEN SEWER), water quality samples were collected by the Expert Member from different locations and were analysed from the NABL accredited laboratory which further confirms that the waste water in the drain nothing but sewage water at all locations.
9. That it is very well proved from the above that the said Sahibabad Drain is nothing but a OPEN SEWER. This fact can be verified from the concerned authorities. The applicant has deliberately not made UP Jal Nigam as a party so that correct nature of waste water flowing in the drain can never be examined.
10. That it further leaves the more important question whether the said drain can be left open which flows through densely populated residential area. It is further pertinent to mention that the respondent herein had been allotted the said land by authorities to cover the drain to provide access to plot from the road as well as to prevent any accident/mishappening and presently almost 1300 flats are built up and sold creating the third party rights.

24/8  
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11. That it is further important to note the discrimination made by the applicant in making the parties to present OA. In the present petition, there is Misjoinder of parties as if the source of pollution load in the drain is from sewage and the applicant has not made appropriate respondents a party. Not a single grievance has been raised by the applicant against sewage discharged by the authorized and unauthorized settlements. Same is true for dumping of MSW into the drain.

12. That another important fact is that only 14.75% (0.907 km out of 6.149 Km from Railway Crossing to NH 24) and 20.64% Km (0.322 Km out of 1.56 Km of residential area) is covered and the rest of the drain is open which proves that there is no problem of access for cleaning the drain. Further the responsibility of cleaning the area of covered drain is responsibility of the respective respondent and for that they pay highest charges/taxes to Ghaziabad Nagar Nigam and Ghaziabad Nagar Nigam in turn in case of any violation related to cleaning and maintaining of covered area of drain takes penal action against the respective party.

13. it is further quite ironical that the said Committee was also formed by the Hon'ble Tribunal in Manoj Mishra Vs. Union of India and Ors ( As per Judgment dated 13-01-2015 in Original Application No. 6 of 2012 pertaining to clean and rejuvenated Yamuna River Delhi as well as 300/2013 pertaining to drainage system in NGT of Delhi). It is pertinent to mention that in the

said order, the Hon'ble Tribunal allowed in Delhi to cover the drain falling in Delhi with the permission of the Hon'ble Tribunal wherein already 85% work is completed which implied to making it prospective in nature.

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14. That in a similar matter, Pune Zonal bench of Hon'ble NGT in the matter of Smt Shinde Vs CEO, Nashik (OA No. 13/2014 (WZ) had observed that "we are not inclined to accept the prayer of the Applicants for removal of the concrete structures covering the river."

It is important to note that the issue under consideration before the Hon'ble NGT was that State and the Trimbak Municipal Council (TMC) have grossly intervened in the natural flow of River Godavari, even to the extent that many of the stretches of the River and its tributaries are blatantly covered and encased in R.C.C. box culverts, making the River disappear for much of its length in the TMC area.

15. That It is evident from the abovementioned cases that the Hon'ble Tribunal has itself permitted the covering over drain and river with certain conditions. Moreover, the issue under consideration here is also raised before Hon'ble Supreme Court and various reports have been submitted by FPCA since 2000.

16. That it is further submitted that the waste water/discharge in Sahibabad Drain is sewage water and it can not be left open for

various reasons including safety of people living in nearby residential area, its damaging effect to environment and health issues involved.

24/8/19  
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17. That in view of the abovementioned facts and circumstances, it is most humbly prayed that the accompanying report prepared and submitted by Dr. Devendra Kumar Agarwal should be taken on record for adjudication of present Ex Application in interest of justice.

### PRAYER

That in view of the above mentioned facts, it is most respectfully prayed to this Hon'ble Court to pass directions to place the accompanying report on record.

To pass such other and further order which their Lordships of this Hon'ble Court fit and proper in existing terms and circumstances of the case.

Place: New Delhi

Date: 23.08.2019

Filed By:

  
JAGRAT SINGH  
Advocate for R-6

J-12, LGF, Jungpura Extension  
New Delhi

M : +91 925020553

jagrat Singh2006@gmail.com

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THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
IA No. /2019 in Exec App No. 18/2017

In

OA No. 16/2014

**IN THE MATTER OF :-**

Shri Hazf Arif .....Applicant

Vs.

State of U.P. & Ors. .... Respondents

**AND IN THE MATTER OF:**

President Rashtrya Kishan Brigade .....Applicant

Vs

State of U.P. & Ors. .... Respondents

**AFFIDAVIT**

I, Arjit Kumar Jain S/o Shri Ram Kishor Jain, R/o House No.24-A, First Floor Gali no.2 near Jain Mandir Rachey Puri, New Krishna Nagar, east delhi-110051, Presently at New Delhi, do hereby solemnly affirm and state as follows:-

1. That the accompanying Miscellaneous Application has been drafted on my instructions and I am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of accompanying reply/response are true and correct to the best of knowledge, belief and derived from the record and nothing is false therein.



*Arjit Kumar Jain*  
**IDENTIFIED**

*Arjit Kumar Jain*  
**DEPONENT**

**Verification:-**

Verified at New Delhi on 02 August, 2019 that the contents of above paras are true and correct to my knowledge and belief and nothing is false therein.

**ATTESTED**

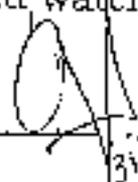
*[Signature]*  
L. NAR DAS  
PUBLIC  
NOTARY  
SUN... COURT  
02.08.19

*Arjit Kumar Jain*  
**DEPONENT**

## Sahibabad Drain No. 1 - Status and Options ~~88~~ 242

### Background:

Sahibabad drain No. 1 starting from Loni area of District: Ghaziabad and ending at Kalindi Kunj, NCT Delhi is a man-made drain somewhere in 1971 or so as evidenced from the records (Ref: Revenue Map of Sahibabad Industrial Area Site IV, 1960 indicating of details land acquired for construction of said drain). It is also available from information compiled from various governmental agencies that initially, the entire area in question was an agricultural land which was acquired by the State of U.P. for U.P. State Industrial Development Corporation to establish industrial area at Sahibabad. Sahibabad Drain No. 1, apparently falls within the jurisdiction of Ghaziabad Nagar Nigam. Sahibabad Drain No. 1 is a manmade drain carrying waste water from residential colonies, namely, Shalimar Garden, Pappu Colony, Rajiv Colony, DLF Colony, Rajender Nagar, Hindon Air Force Colony, Pansonda and Bhopura villages collected through various small drains from these localities at G.T. Road, near Aradhana Cinema and thereafter this drain passes through Surya Nagar, Chandra Nagar the residential colonies developed by G.D.A. and after covering the distance of about 2 kms. in the industrial area it again enters a residential area Vaishali developed by the GDA; and from there it is tapped and taken to STP having capacity of 74 MLD constructed at Indira Puram and after treatment in the STP the treated water

  
31/7/2019

is discharged in Hindon River; and same quantity of untreated sewage is bypassed at the tapping point and, thereafter, the said drain meets the Shahdara Drain near Dharamshila Cancer Hospital in Vasundhara Enclave in Delhi (Ref: Affidavit filed by UPPCB in the matter of Hazi Arif vs State of UP - OA No. 16/2014 filed on 25/08/2014).

Given this understanding it is apparently undisputed fact that Shabibad Drain No. 1 carries a mix of sewerage from various residential areas, and industrial waste water from industrial areas falling within the catchment apart from disposing storm water runoff during monsoon season. In order to better appreciate the factual situation and type of discharge carried out by the said drain, it was felt appropriate to carry out proper mapping of the ground realities on a map and do some basic investigation to understand the quality and quantum of discharges carried by the said Drain.

### **Sahibabad Drain: Catchment Area, Drainage and Sewerage Network, Land Use**

In the absence of any physical map being available, it was extremely difficult to prepare the catchment area of the drain. To begin with Survey of India Topo Sheet No. H43X6 on a scale of 1:25,000 was used to demarcate the main drainage line of Sahibabad drain and subsequently using the latest Google Earth

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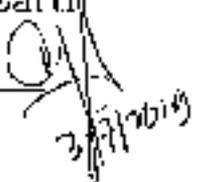
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## **Dev ELT Consultants**

1523, Sector C Pocket 1, Vasant Kunj, New Delhi 110 070

Email - [devendraagrwal26@gmail.com](mailto:devendraagrwal26@gmail.com)

Phone - +9550643444

  
3/11/2019

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Imageries of 23<sup>rd</sup> February 2019 coupled with ground truthing, smaller tributaries of the Sahibabad drain were mapped. Finally using the contours available on the Survey of India toposheet, the catchment area was delineated. It may be observed here that at certain locations due to unavailability of contours, the catchment boundary has been drawn based on expert opinion and ground truthing. In nutshell, the catchment boundary demarcation is believed to be accurate to the extent possible within the limitations of available resources.

To present the complete picture, various residential areas (classified in the categories of Rural settlement & Unsewered Area and Authorized Sewered Areas) were mapped apart from Industrial Areas and Green Area as marked on the Nagar Nigam, Ghaziabad map. Also mapping of road and railway network was done.

Figure 1 presents the contour map of the catchment to highlight the fact that the entire catchment area of Sahibabad Drain No. 1 is not a low-lying area or depression as such. It clearly indicates that Sahibabad Drain was not constructed simplicitor for discharge of accumulated storm runoff in a low-lying area rather it was meant for discharge of storm runoff as well as discharge of waste water from Sahibabad Industrial Area established somewhere in 1970 or so.

AA  
31/7/2019

24/5

Subsequently, an attempt was made to understand the growth of residential areas in the vicinity of industrial areas. Figures 2 to 6 present historical google earth imageries for the catchment area from the year 2001, 2005, 2010, 2015 and 2019 as available in public domain. Since the data for earlier period is not available; however, it is a common knowledge that all the residential areas mentioned in the maps have come up post development of industrial areas in 1970 or so except for the old rural settlements (amounting to only around 2 percent of the catchment area) marked in the map. This fact also indicates that Sahibabad Drain was meant for discharge of storm runoff along with industrial area waste water only in the initial years i.e. 1970 to maybe 1985 or so.

Figure 7 presents detailed Drainage and Sewerage Network map in the catchment area along with land use mapping as on date. It can be observed from the map that total catchment area is almost 3255 ha out of which industrial area is 844.5 ha (25.9%); Authorized Sewered Area is 1672 ha (51.4%); Rural settlement & unsewered area is 623 ha (19.1%) and rest 116 ha is Green area (3.6%).

The other important feature that requires attention relates to quantum of sewage entering the Sahibabad Drain No. 1. It may be noticed that although every effort has been made to capture the ground realities; however, the same may be verified from the concerned governmental agency. As per information available

24/12/2019

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**Dr Devendra Kumar Agrawal**  
Former Expert Member, National Green Tribunal

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through the network of sewers and its affiliated infrastructure in authorized residential areas almost 94 MLD sewage flows through the Sahibabad Drain (or OPEN SEWER) during non-monsoon season apart from discharge of industrial waste water. It is obvious fact that if almost 51% of the residential area contributes 94 MLD sewage; even if one applies proportionality, the remaining 19.1% rural settlement and unsewered residential area would contribute another 35 MLD sewage to the Sahibabad Drain (or OPEN SEWER) making total sewage quantum to the extent of 129 MLD.

The relevant information with respect to quantum of discharge of industrial waste water is equally important. As no data is readily available for water requirement of these industries, quite understanding that Industrial Water Requirements is governed by several factors such, as type of industry, size of industry and industrial operations, etc. it is difficult to work out exact water requirement. It is understood that almost all the industries except a few have installed borewells/tube wells for drawing ground water. In the absence of specific data being available, as per standard procedure, Water requirement for a few industries located in a town may be taken around 60 litres/head/day but the demand may go as high as 500 litres/head/day depending on type of industry (Source: Manual on Water Supply and Treatment: III Edition 1999). As per information provided, around 10000 persons are working in these industries as on date and while taking average

Page 5 of 11

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*al*  
24/7/2019

**Dev ELT Consultants**

1523, Sector C Pocket 1, Vasant Kunj, New Delhi 110 070

Email - [devendraagrawal26@gmail.com](mailto:devendraagrawal26@gmail.com)

Phone - +9650643444

247  
~~388~~  
~~325~~

**Dr Devendra Kumar Agrawal**  
Former Expert Member, National Green Tribunal

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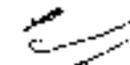
consumption as 100 litres per day/head, thus the total water requirement can be taken as 10 MLD.

The total quantum of sewerage and industrial waste water to be handled by the Sahibabad drain (or OPEN SEWER) during non-monsoon season is thus almost 139 MLD.

Finally, during monsoon season, this drain caters to the requirement of disposing storm water runoff. Reddy Committee was constituted in 1959 to study the problems of flooding/drainage congestion and suggest remedial measures. Reddy Committee recommended the following criteria for Drainage system design for Delhi:

“The drains in urban areas are to be designed for 1-hour rainfall depth of 43.7mm with a return period of 2 years. An areal distribution factor of 90% and run off coefficient of 35% has been adopted for arriving at the runoff of 0.5 inches per hour or 0.25 cusec per acre i.e. 1.8 cumec/Km<sup>2</sup>.”

Taking the area of the catchment, the storm runoff to be handled at the outlet at the time of peak discharge works out to be almost 59 cubic meter per second and if to this, quantum of sewage and industrial waste water is added, the total discharge to be handled by the Sahibabad drain (or OPEN SEWER) works out to the extent of 61 cubic meters per second.

  
Page 6 of 11

  
13/12/19

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**Dev ELT Consultants**

1523, Sector C Pocket 1, Vasant Kunj, New Delhi 110 070

Email - [devendraagraval26@gmail.com](mailto:devendraagraval26@gmail.com)

Phone - +9650643444

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286

### **Sahibabad Drain – Issues and Options**

1. In order to assess the adequacy of the Sahibabad drain (or OPEN SEWER) in handling the peak discharge; cross-sections of the drain were physically measured at few locations and are depicted in Figure 8. At these locations, using float method, velocity of the flow in the drain was also recorded and is mentioned in Figure 8 itself. It may be seen that at the final outlet location, the velocity was 0.90 m/second thus indicating that the cross-sectional area needed to handle peak discharge of sewage, storm runoff and industrial waste water is 68 square meters; whereas the cross-sectional area of the Sahibabad drain (or OPEN SEWER) at this location is almost 72 square meters highlighting that under normal circumstances, the drain is well capable of handling the peak discharges.
2. In order to get a fair idea of the quality of waste water in the Sahibabad drain (or OPEN SEWER), water quality samples were collected on 17<sup>th</sup> June 2019 from 4 different locations marked on Figure 8 to understand that if the industrial areas are impacting the water quality in a significant manner and also to understand the basic nature of the waste water flowing in the said drain. The samples were subsequently got analysed from a NABL accredited laboratory and the results

  
31/7/2019

249  
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present a new dimension. The results of the laboratory as enclosed to this report, clearly highlight that right at the origin of the said drain, the waste water in the drain is nothing else but SEWERAGE. The water quality test results show the identical results for all the locations. Thus, it would be more appropriate to call the Sahibabad drain as an OPEN SEWER.

3. During the ground truthing survey of the entire drainage network, it was observed that entire drain (or OPEN SEWER) is lined with bricks and mortar so as such the purpose of recharge is defeated apart from any likelihood of impacting the ground water quality. It was also observed that development of residential areas (authorized and unauthorized) has led to discharge of sewer discharge into the drain (or OPEN SEWER) including its tributaries. Pipe lines discharging sewage can be seen all along the length of the drain and its tributaries. Illegal encroachment on the banks of drain by cattle owners were noticed in Braj Vihar area and discharge of dung and liquid waste was noticed. Illegal animal slaughtering and discharge of waste water (untreated) is also reported at few locations. Dumping of MSW (Municipal Solid Waste) in large quantities by unauthorized settlers on the banks of drain is obstructing the flow at numerous locations. Representative photographs of lining,

*Devendra Kumar Agrawal*

discharge of sewerage into the drain and illegal dumping of animal waste, MSW, etc. are enclosed as Figure 9.

4. Considering the figures and facts stated above, it becomes necessary to understand that whether Sahibabad drain (or OPEN SEWER) should be allowed to remain open or should it be covered or more precisely whether partial covering the drain (or OPEN SEWER) at few locations is permissible?

At this stage it may be noted that.

- The drainage system is used to overflow the excess water to sea or reservoirs or any other place, while sewage system is used to carry off the waste water and solids to dispose them in a proper way.
- Drainage system either is artificial system or natural system (in the case of rivers and lakes), while sewage system is often artificial system.
- Sewers carry solid waste along with other impurities, while drainage carries excess water.
- Drainage can have open to air design, but sewage aren't open to air.

The well settled scientific principles require that under normal circumstances, the drain carrying sewage should not be open to air. In the instant case, the drain carries mostly sewage only and of course during rainy season it carries

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storm runoff for which it has adequate capacity. Therefore, either complete coverage or partial coverage of the drain (or OPEN SEWER) will not make any difference as long as the capacity of the drain (or OPEN SEWER) is not altered.

It may be observed here that the dimensions of the drain at various locations and its proximity to either the residential area or access road make stretch makes the drain a serious accident prone apart from the fact that foul smell of drain or OPEN SEWER makes the living difficult. In a similar situation, Pune Zonal Bench of Hon'ble National Green Tribunal in the matter of Smt Shinde vs CEO, Nasik (OA 13/2014(WZ) had ordered that "we are not inclined to accept the prayer of the Applicants for removal of the concrete structures covering the river".

5. In order to understand the extent of Sahibabad drain coverage (or OPEN SEWER) an attempt has been made and the results are presented in Figure 10. During the ground truthing survey with regards to coverage, it was observed that a significant length of the Sahibabad drain (or OPEN SEWER) is already covered by the necessary infrastructures of roads and railways apart from necessary access roads/ culverts. From the Figure it may be noted that almost 1238.5m long stretch is covered out of total length of over 10.4kms main drain and 43.85km small tributaries. Out of the covered

3/7/2019

20/5/2  
20/5

sections, 375m is covered by infrastructure needs of railways, roads and access roads/ culverts whereas about 864.1m length of the drain (or OPEN SEWER) is covered by certain individual property owners (who basically have the property on the other side of the drain and as such to have access to the property from road on other bank require to atleast partially cover the drain) primarily for better aesthetics needed for the kind of establishment and mostly with due approvals from competent authorities. Figure 10 lists out almost 11 such property owners who have made coverage of the drain totalling to almost 864m. However, as noted earlier, as long as the Sahibabad drain remains an OPEN SEWER, it is advisable to cover the entire length of the drain for the betterment of the society or lay underground pipe network for carrying the sewerage separately and all those illegally discharging sewage into the drain should be stopped forthwith. The ill-effects of transporting sewage through an OPEN SEWER are well documented and for the sake of brevity, the medical science literature to the same effect is not being enclosed herewith.

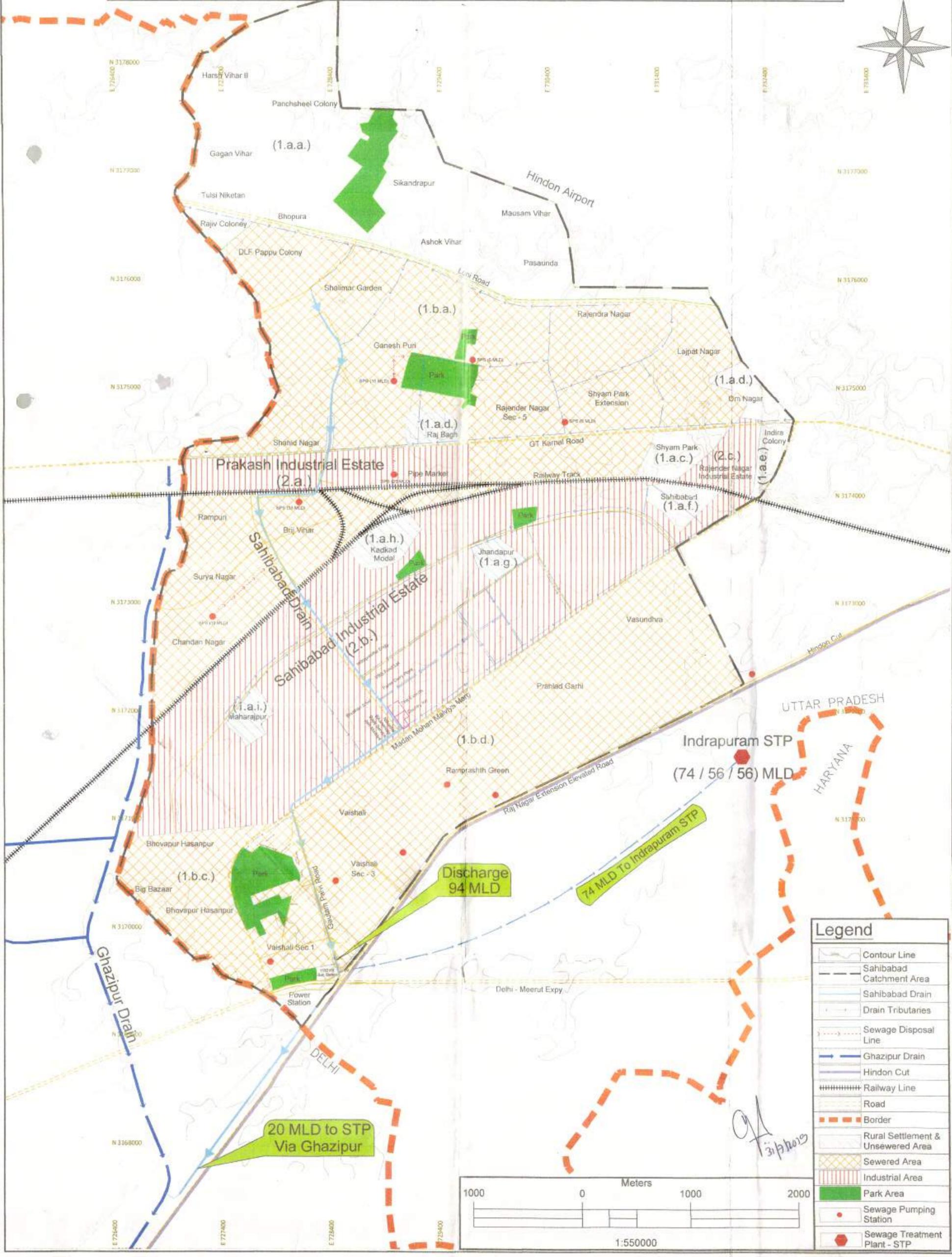
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Dr  
Agrawal

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Figure 1 - Contour Map of Sahibabad Drain Catchment

25/1  
25/2  
25/3



| Legend |                                   |
|--------|-----------------------------------|
|        | Contour Line                      |
|        | Sahibabad Catchment Area          |
|        | Sahibabad Drain                   |
|        | Drain Tributaries                 |
|        | Sewage Disposal Line              |
|        | Ghazipur Drain                    |
|        | Hindon Cut                        |
|        | Railway Line                      |
|        | Road                              |
|        | Border                            |
|        | Rural Settlement & Unsewered Area |
|        | Sewered Area                      |
|        | Industrial Area                   |
|        | Park Area                         |
|        | Sewage Pumping Station            |
|        | Sewage Treatment Plant - STP      |

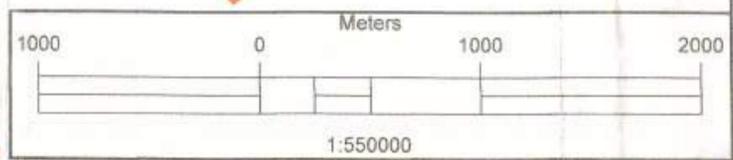
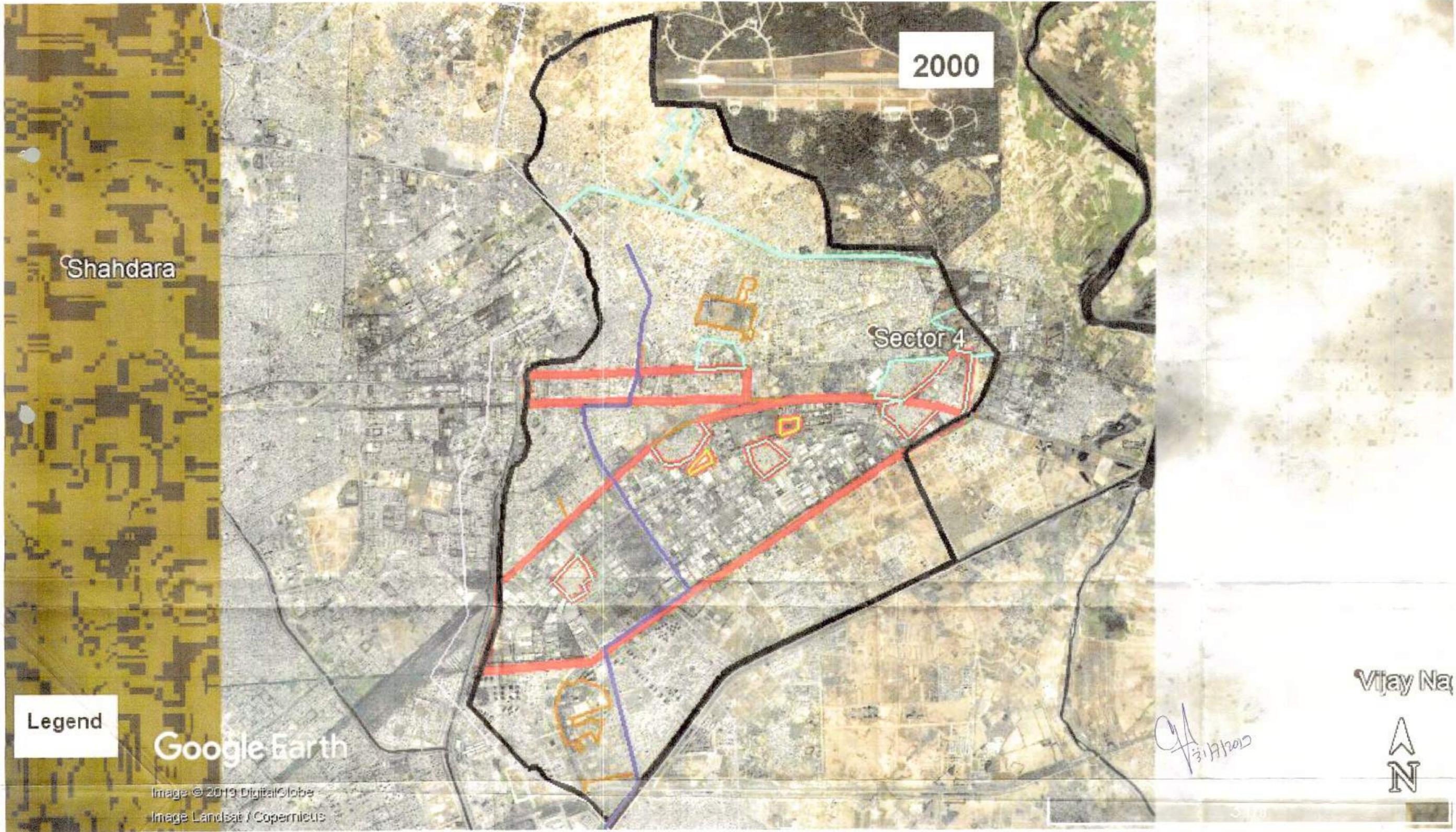


FIGURE - 02

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2000



Shahdara

2000

Sector 4

Legend

Google Earth

Image © 2019 DigitalGlobe  
Image Landsat / Copernicus

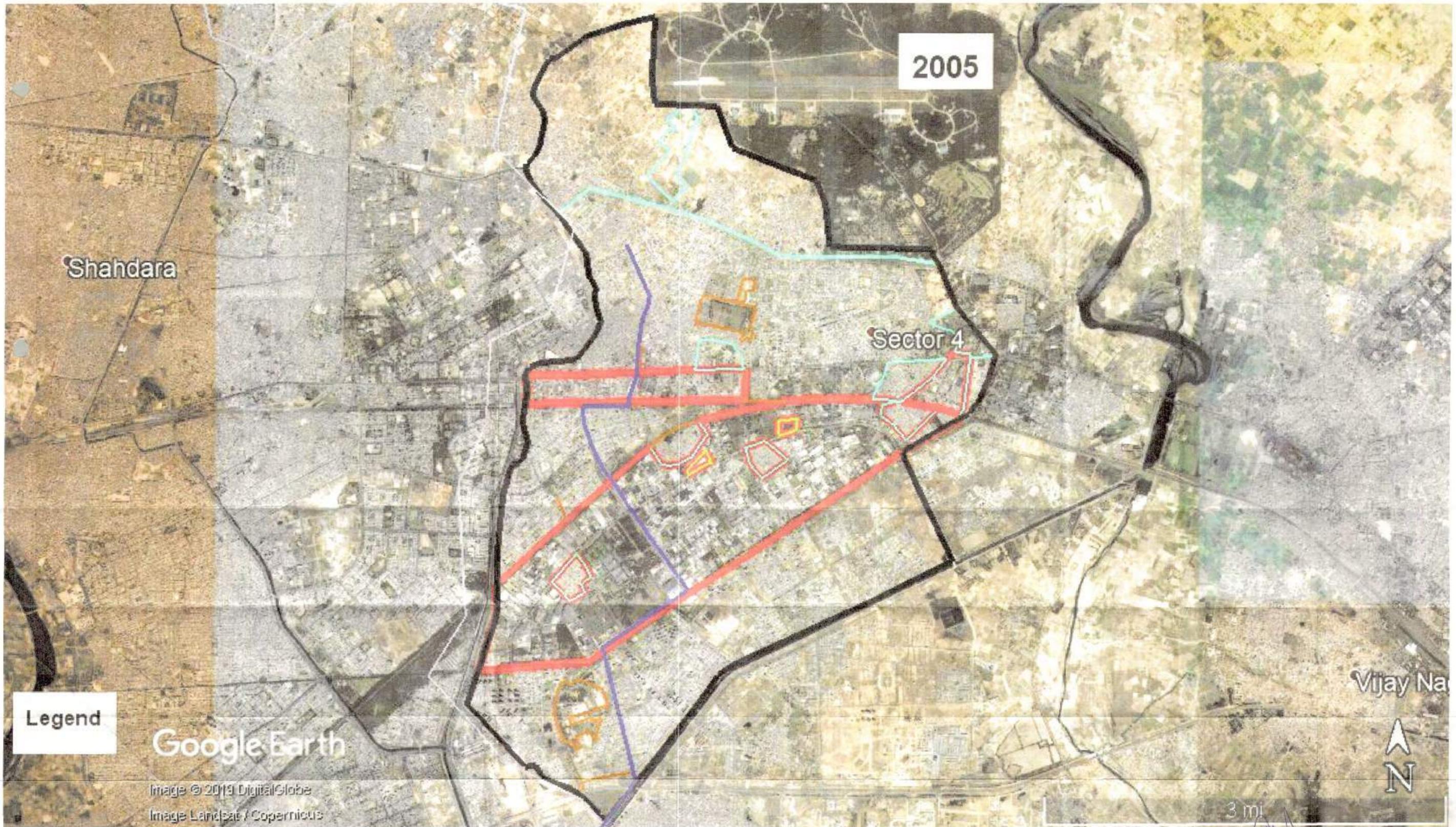
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FIGURE -03

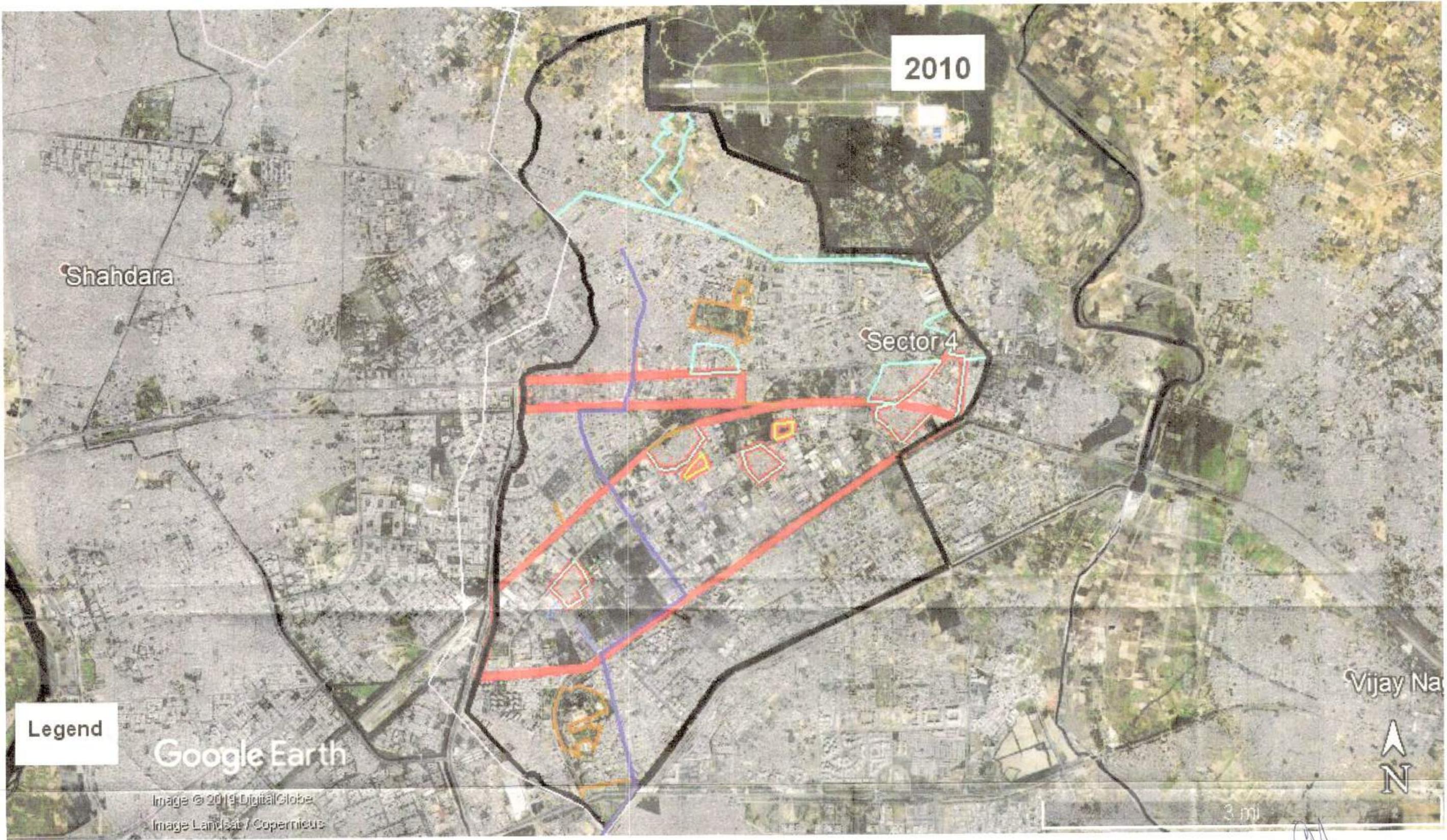
205  
394  
25



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FIGURE -04

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29/5/16



Legend

Google Earth

Image © 2019 DigitalGlobe  
Image Landsat / Copernicus

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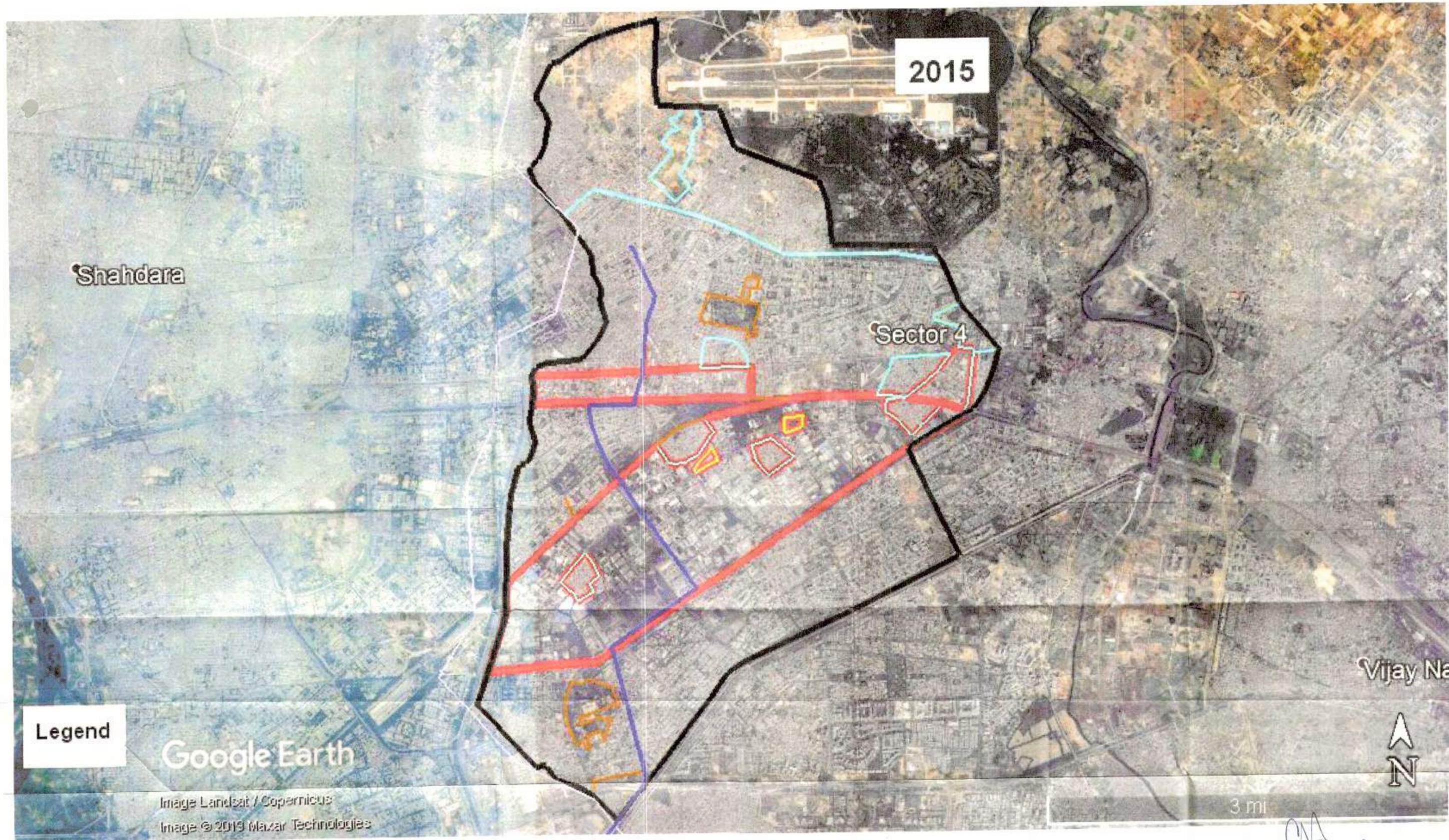


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FIGURE - 05



Shahdara

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Sector 4

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Legend

Google Earth

Image Landsat / Copernicus  
Image © 2019 Maxar Technologies

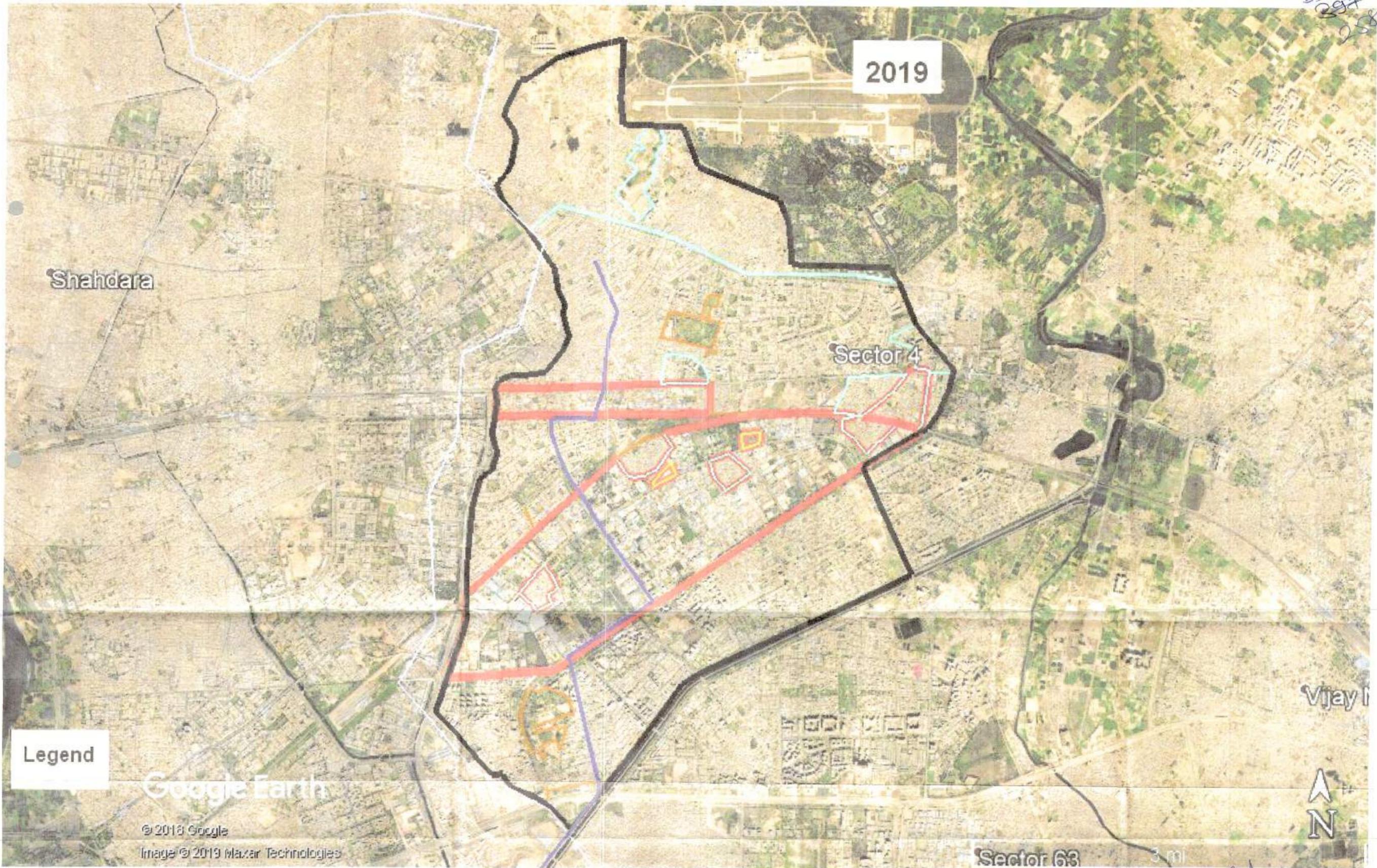
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FIGURE - 06

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298  
299



Legend

Google Earth

© 2018 Google  
Image © 2019 Mazar Technologies

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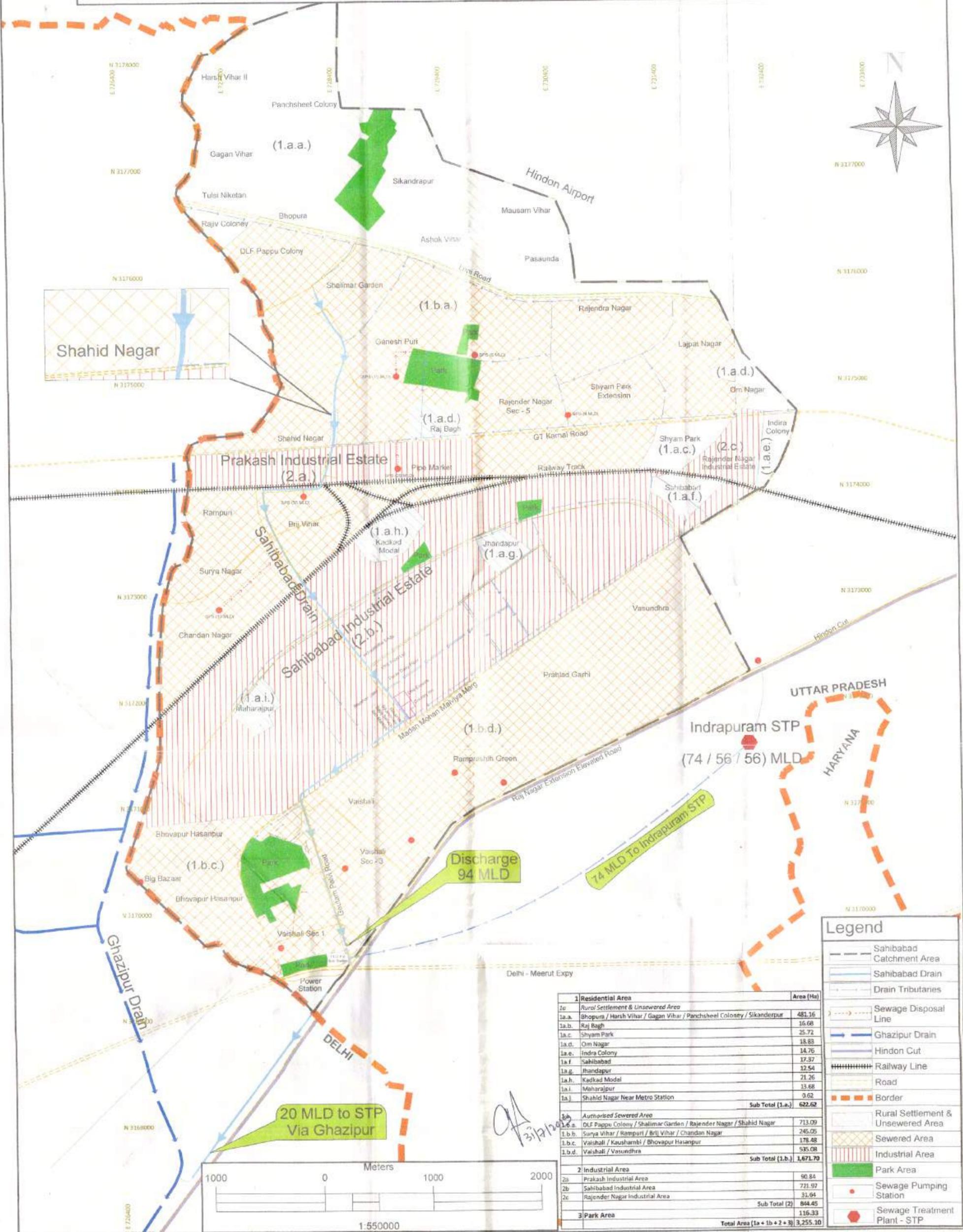


Sector 63

A. Kishore

Figure 7 - Drainage & Sewage Network Map of Sahibabad Drain No. 01

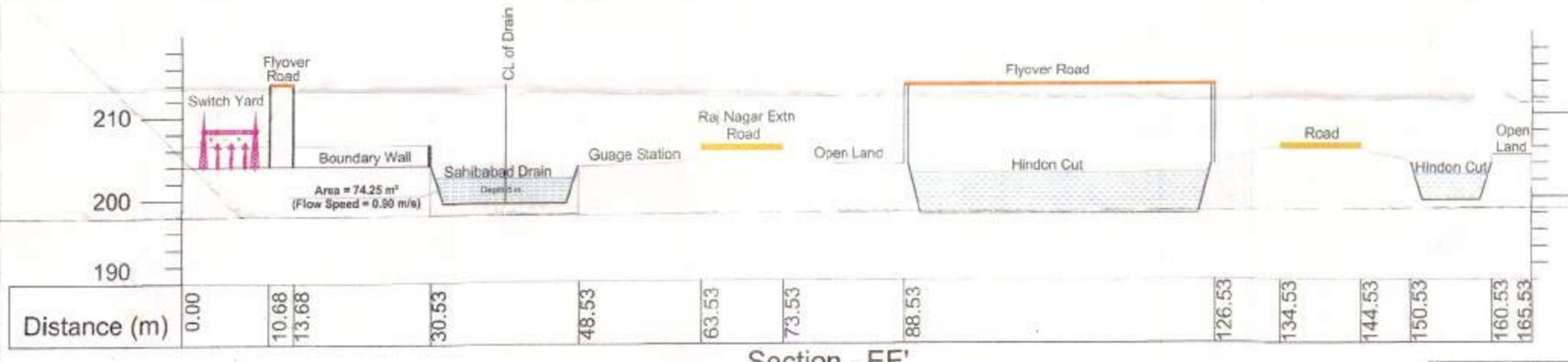
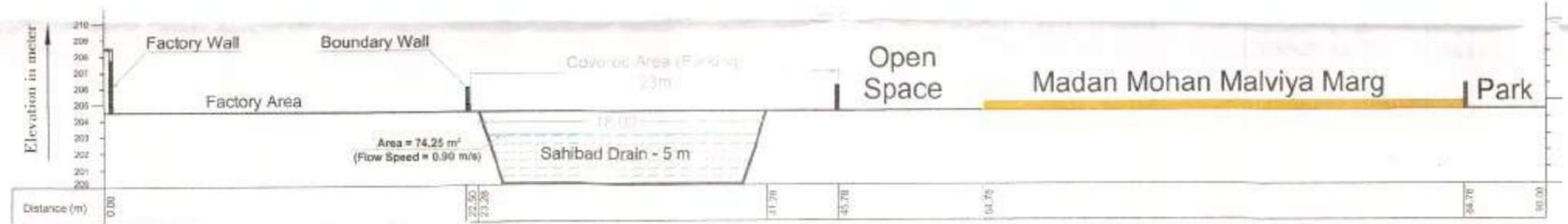
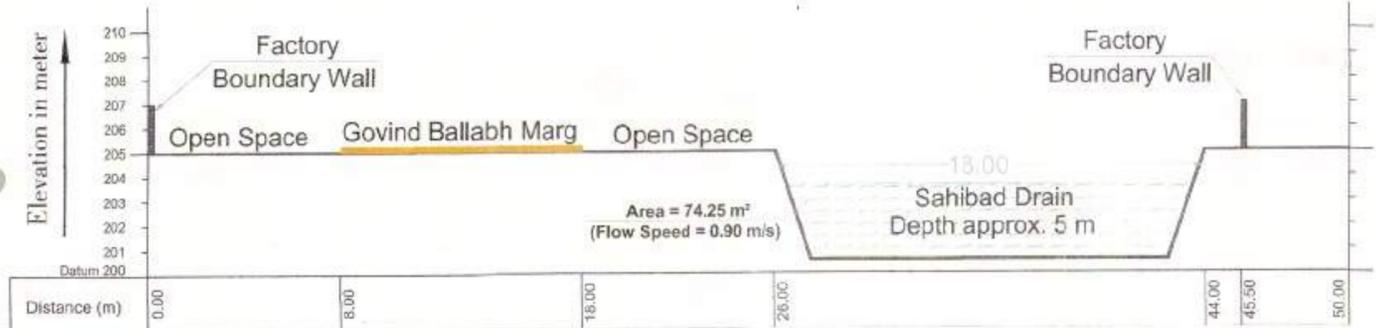
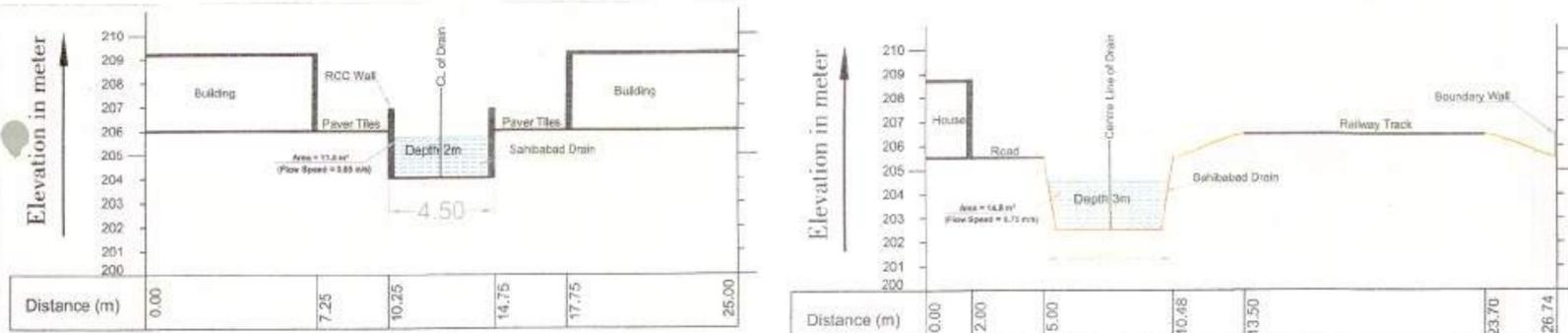
327  
328  
259



| 1 Residential Area                              |   | Area (Ha)       |
|---|---|-----------------|
| <b>1a Rural Settlement &amp; Unsewered Area</b> |   |                 |
| 1a.a.   | Bhopura / Harsh Vihar / Gagan Vihar / Panchsheel Colony / Sikanderpur | 481.16          |
| 1a.b.   | Raj Bagh  | 16.68           |
| 1a.c.   | Shyam Park  | 25.72           |
| 1a.d.   | Om Nagar  | 18.83           |
| 1a.e.   | Indra Colony  | 14.76           |
| 1a.f.   | Sahibabad   | 17.37           |
| 1a.g.   | Jhandapur   | 12.54           |
| 1a.h.   | Kadkad Modal  | 21.26           |
| 1a.i.   | Maharajpur  | 13.68           |
| 1a.j.   | Sahibabad Near Metro Station  | 0.62            |
| <b>Sub Total (1.a.)</b>                         |   | <b>622.62</b>   |
| <b>1b Authorised Sewered Area</b>               |   |                 |
| 1b.a.   | DLF Pappu Colony / Shalimar Garden / Rajender Nagar / Shahid Nagar    | 713.09          |
| 1b.b.   | Surya Vihar / Rampuri / Briji Vihar / Chandan Nagar                   | 245.05          |
| 1b.c.   | Vaishali / Kausambi / Bhowapur Hasanpur                               | 178.48          |
| 1b.d.   | Vaishali / Vasundhara   | 535.08          |
| <b>Sub Total (1.b.)</b>                         |   | <b>1,671.70</b> |
| <b>2 Industrial Area</b>                        |   |                 |
| 2a.   | Prakash Industrial Area   | 90.84           |
| 2b.   | Sahibabad Industrial Area   | 721.97          |
| 2c.   | Rajender Nagar Industrial Area  | 31.64           |
| <b>Sub Total (2)</b>                            |   | <b>844.45</b>   |
| <b>3 Park Area</b>                              |   |                 |
|   |   | 116.33          |
| <b>Total Area (1a + 1b + 2 + 3)</b>             |   | <b>3,255.10</b> |

298  
299  
260

# Figure 8 - Cross Sections Map



| Legend |                                   |
|--------|-----------------------------------|
|        | Rural Settlement & Unsewered Area |
|        | Sewered Area                      |
|        | Industrial Area                   |
|        | Park Area                         |
|        | Sewage Pumping Station            |
|        | Sewage Treatment Plant - STP      |
|        | Cross Sections                    |
|        | Sample Locations                  |
|        | Sahibabad Catchment Area          |
|        | Sahibabad Drain                   |
|        | Drain Tributaries                 |
|        | Sewage Disposal Line              |
|        | Ghazipur Drain                    |
|        | Hindon Cut                        |
|        | Railway Line                      |
|        | Road                              |
|        | Border                            |

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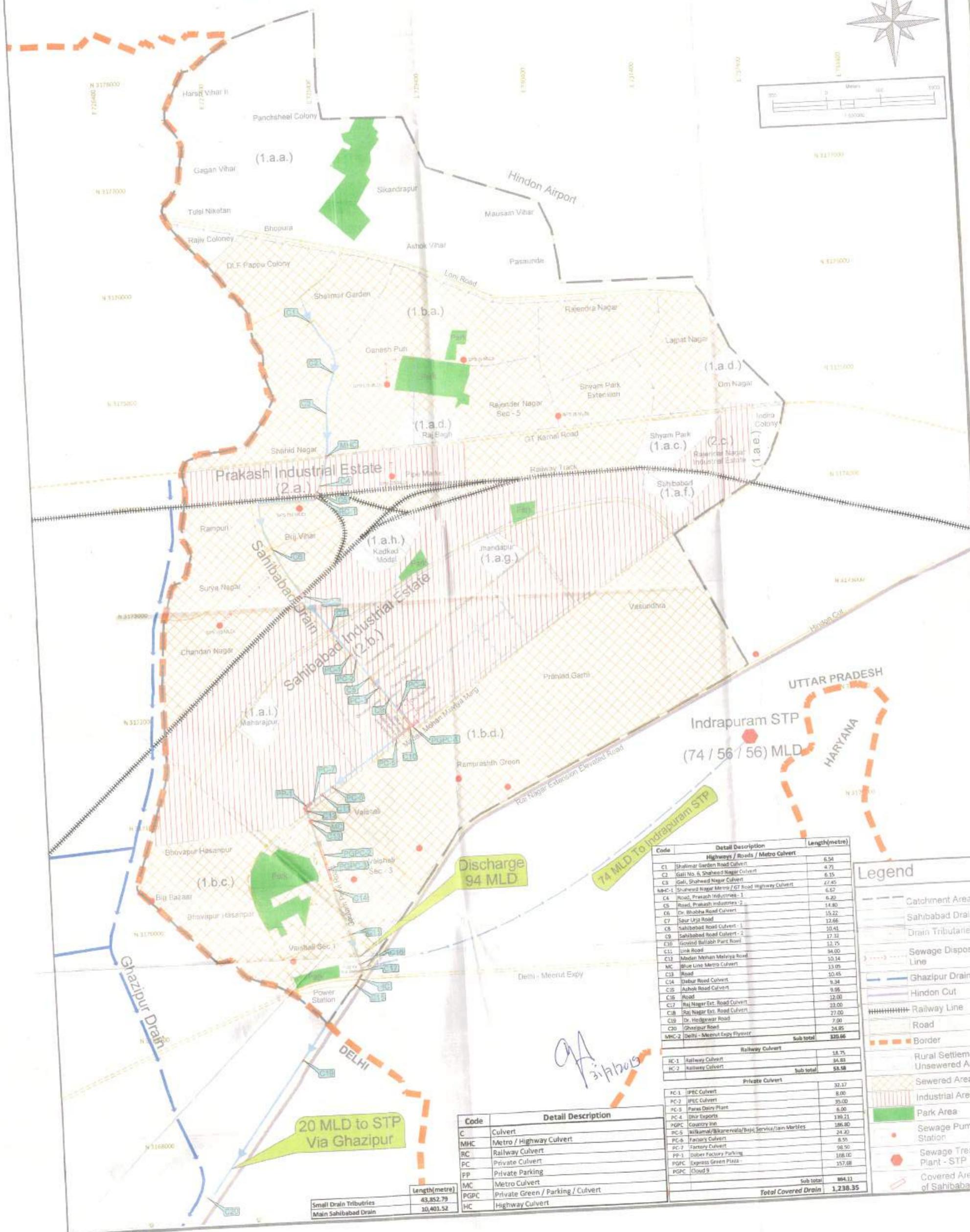
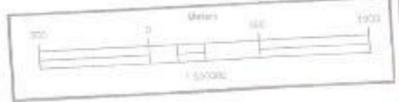
299  
377  
400  
261

# Figure 9 - Photos of Sahibabad Drain



Figure 10 - Extent of Sahibabad Drain Coverage

440  
401  
262



| Code                                    | Detail Description                             | Length (metre) |
|---|--|----------------|
| <b>Highways / Roads / Metro Culvert</b> |  |                |
| C1                                      | Shalimar Garden Road Culvert                   | 6.54           |
| C2                                      | Kali No. 5, Shahad Nagar Culvert               | 4.75           |
| C3                                      | Gali, Shahad Nagar Culvert                     | 6.19           |
| C4                                      | Gali, Shahad Nagar Culvert                     | 27.45          |
| MHC-1                                   | Shahad Nagar Metro / G.T. Road Highway Culvert | 6.57           |
| C4                                      | Road, Prakash Industries - 1                   | 6.23           |
| C5                                      | Road, Prakash Industries - 2                   | 14.40          |
| C6                                      | Dr. Bhabha Road Culvert                        | 15.22          |
| C7                                      | Saur Ujja Road                                 | 12.66          |
| C8                                      | Sahibabad Road Culvert - 1                     | 10.41          |
| C9                                      | Sahibabad Road Culvert - 2                     | 17.32          |
| C10                                     | Govind Ballabh Pant Road                       | 12.75          |
| C11                                     | Link Road                                      | 34.00          |
| C12                                     | Medan Mohan Malviya Road                       | 10.14          |
| MC                                      | Blue Line Metro Culvert                        | 33.05          |
| C13                                     | Road   | 10.45          |
| C14                                     | Drabar Road Culvert                            | 9.34           |
| C15                                     | Ashok Road Culvert                             | 9.95           |
| C16                                     | Road   | 12.00          |
| C17                                     | Raj Nagar Ext. Road Culvert                    | 22.00          |
| C18                                     | Raj Nagar Ext. Road Culvert                    | 27.00          |
| C19                                     | Dr. Hedgewar Road                              | 7.00           |
| C20                                     | Ghazipur Road                                  | 24.85          |
| MHC-2                                   | Delhi - Meerut Expy Flyover                    |                |
| Sub total                               |  | 320.66         |
| <b>Railway Culvert</b>                  |  |                |
| RC-1                                    | Railway Culvert                                | 18.75          |
| RC-2                                    | Railway Culvert                                | 34.83          |
| Sub total                               |  | 53.58          |
| <b>Private Culvert</b>                  |  |                |
| PC-1                                    | IPCC Culvert                                   | 32.37          |
| PC-2                                    | IPCC Culvert                                   | 8.00           |
| PC-3                                    | Paras Dairy Plant                              | 25.00          |
| PC-4                                    | Blair Sports                                   | 6.00           |
| PC-4                                    | Blair Sports                                   | 136.21         |
| PGPC                                    | Country Inn                                    | 186.80         |
| PC-5                                    | Milkmaid/Bikaravata/Bajaj Service/Jan Morries  | 24.20          |
| PC-6                                    | Factory Culvert                                | 8.55           |
| PC-7                                    | Factory Culvert                                | 98.90          |
| PP-1                                    | Jobber Factory Parking                         | 188.00         |
| PGPC                                    | Express Green Plaza                            | 157.68         |
| PGPC                                    | Cloud 9  |                |
| Sub total                               |  | 894.11         |
| Total Covered Drain                     |  | 1,238.35       |

| Symbol    | Description                       |
|-----------|-----------------------------------|
| - - - - - | Catchment Area                    |
| —         | Sahibabad Drain                   |
| - - - - - | Drain Tributaries                 |
| .....     | Sewage Disposal Line              |
| —         | Ghazipur Drain                    |
| —         | Hindon Cut                        |
|           | Railway Line                      |
| —         | Road                              |
| - - - - - | Border                            |
| □         | Rural Settlement & Unsewered Area |
| □         | Sewered Area                      |
| □         | Industrial Area                   |
| □         | Park Area                         |
| ●         | Sewage Pumping Station            |
| ●         | Sewage Treatment Plant - STP      |
| □         | Covered Area of Sahibabad Drain   |

| Code | Detail Description                |
|------|-----------------------------------|
| C    | Culvert                           |
| MHC  | Metro / Highway Culvert           |
| RC   | Railway Culvert                   |
| PC   | Private Culvert                   |
| PP   | Private Parking                   |
| MC   | Metro Culvert                     |
| PGPC | Private Green / Parking / Culvert |
| HC   | Highway Culvert                   |

| Category                | Length (metre) |
|-------------------------|----------------|
| Small Drain Tributaries | 43,852.79      |
| Main Sahibabad Drain    | 30,401.52      |

AA  
317000



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An ISO 9001 : 2015, ISO 14001 : 2015, OHSAS 18001 : 2007 Certified Laboratory  
Recognised with MOEFCC & U.P. Pollution Control Board

Website : www.newconlab.in



ISO 9001/14001/OHSAS 18001  
Reg. No. R1917304

## TEST CERTIFICATE

### WASTE WATER SAMPLE ANALYSIS REPORT

~~Hot~~  
~~Use~~  
Page 1 of 1  
263

TEST REPORT NO : NCL/CISG/002/18/06/2019

DATE OF REPORT : 21/06/2019

Name And Address Of Customer

COUNTRY INN & SUITES(A UNIT OF MAGNUM VENTURES LTD)  
SITE IV, INDUSTRIAL AREA, SAHIBABAD, GHAZIABAD, U.P., INDIA

#### SAMPLING DETAILS

|                      |  |                   |                |
|----------------------|--|-------------------|----------------|
| Analysis Start Date  | 18/06/2019                             | Analysis End Date | 21/06/2019     |
| Date of Sampling     | 17/06/2019                             | Sampling ID No.   | 002/18/06/2019 |
| Time of Sampling     | 12:30                                  |                   |                |
| Sampling Done By     | NCL                                    |                   |                |
| Sampling Location    | INFRONT OF PRAKASH INDL. AREA, GT ROAD |                   |                |
| Sampling Description | DRAIN WATER (NALAH)                    |                   |                |
| Sampling Protocol    | IS:3025(Part-I)                        |                   |                |
| Packing Condition    | Sealed                                 | Sampling Quantity | Two L          |
|                      |  | Packed in         | Glass Bottle   |

#### TEST RESULT

| S.No. | Parameter                                   | Unit       | Protocol        | Result |
|-------|---|------------|-----------------|--------|
| 1     | pH  | --         | APHA-4500(H+B)  | 8.53   |
| 2     | Total Suspended Solids (TSS)                | mg/L       | APHA-2540 (D)   | 185    |
| 3     | Bio Chemical Oxygen Demand (3 days at 27°C) | mg/L       | APHA-5210 (B)   | 98     |
| 4     | Chemical Oxygen Demand (COD)                | mg/L       | APHA-5220 (B)   | 478    |
| 5     | Oil & Grease                                | mg/L       | APHA-5520       | 3.6    |
| 6     | Total Coliform                              | MPN/100 ml | APHA-9215 (A,B) | 1600   |
| 7     | Faecal Coliform                             | Nos/100ml  | APHA-9215 B     | 1600   |

\*\*\* End Of Report\*\*\*



FOR NEWCON CONSULTANTS & LABORATORIES

INTEKHAB KHAN  
(Chief Analyst Science)



NOTE: The results reported above pertains to the tested parameters only. Enforcement of the same is subject to the permission of CHIEF ANALYST. Our liability is limited to invoiced value only.

Laboratory : Bih K.M. Stone, NH-5B, Delhi Meerut Road, Morla (Opp. Manan-Dham Mandir) GHAZIABAD - 201 003 (U.P.)

Telefax : (0120) 2875225, Mobile : 9810430345, 8744051924

E-mail : info@newconlab.in, newconlab@gmail.com, marketing@newconlab.in



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ISO 9001:2015/OHSAS 18001  
Reg. No. R1917361

## TEST CERTIFICATE

### WASTE WATER SAMPLE ANALYSIS REPORT

Page 1 of 1

TEST REPORT NO : NCL/CISG/005/18/06/2019

DATE OF REPORT : 21/06/2019

Name And Address Of Customer

COUNTRY INN & SUITES(A UNIT OF MAGNUM VENTURES LTD)  
SITE IV, INDUSTRIAL AREA, SAHIBABAD, GHAZIABAD, U.P., INDIA

#### SAMPLING DETAILS

|                      |                      |                   |                |
|----------------------|----------------------|-------------------|----------------|
| Analysis Start Date  | 18/06/2019           | Analysis End Date | 21/06/2019     |
| Date of Sampling     | 17/05/2019           | Sampling ID No.   | 005/18/06/2019 |
| Time of Sampling     | 13:50                |                   |                |
| Sampling Done By     | NCL                  |                   |                |
| Sampling Location    | NEAR CLOUD 9 VAISHAL |                   |                |
| Sampling Description | DRAIN WATER (NALAF)  |                   |                |
| Sampling Protocol    | IS:3025(Part-I)      | Sampling Quantity | Two Lt         |
| Packing Condition    | Sealed               | Packed In         | Glass Bottle   |

#### TEST RESULT

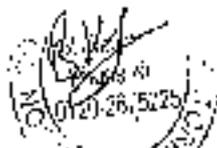
| S.No. | Parameter                                   | Unit       | Protocol        | Result |
|-------|---|------------|-----------------|--------|
| 1     | pH  | --         | APHA-4500(H+B)  | 8.74   |
| 2     | Total Suspended Solids (TSS)                | mg/L       | APHA-2540 (D)   | 190    |
| 3     | Bio Chemical Oxygen Demand (3 days at 20°C) | mg/L       | APHA-5210 (B)   | 110    |
| 4     | Chemical Oxygen Demand (COD)                | mg/L       | APHA-5220 (B)   | 535    |
| 5     | Oil & Grease                                | mg/L       | APHA-5520       | 3.5    |
| 6     | Total Coliform                              | MPN/100 ml | APHA-9215 (A,B) | 1050   |
| 7     | Fecal Coliform                              | Nos/100ml  | APHA-9218 B     | 1600   |

\*\*\* End Of Report\*\*\*



FOR NEWCON CONSULTANTS & LABORATORIES

INTEKAB KHAN  
(Env. Science)



NOTE: The results reported above pertain to the tested parameters only. Endorsement of the same is subject to the jurisdiction of the relevant authority. The Report shall not be reproduced without the permission of CHIEF ANALYST. Our liability is limited to invoiced value only.

Laboratory : 8th K.M. Stone, NPI-5B, Delhi Meerut Road, Morla (Opp. Manan Dham Mandir) GHAZIABAD - 201 003 (U.P.)

Telefax : (0120) 2675225, Mobile : 9810430345, 8744051924

E-mail : [nfo@newconlab.in](mailto:nfo@newconlab.in), [newconlab@gmail.com](mailto:newconlab@gmail.com), [marketing@newconlab.in](mailto:marketing@newconlab.in)

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An ISO 9001 : 2015, ISO 14001 : 2015, OHSAS 18001 : 2007 Certified Laboratory  
Recognised with MOEFCC & U.P. Pollution Control Board



ISO 9001:2015/ISO 14001:2015/OHSAS 18001  
Reg. No. R1517381

Website : [www.newconlab.in](http://www.newconlab.in)

## TEST CERTIFICATE

### WASTE WATER SAMPLE ANALYSIS REPORT

*[Handwritten Signature]*  
Page 1 Of 1

TEST REPORT NO : NCL/CISG/004/18/06/2019

DATE OF REPORT : 21/06/2019

Name And Address Of Customer

COUNTRY INN & SUITES(A UNIT OF MAGNUM VENTURES LTD)  
SITE IV, INDUSTRIAL AREA, SAHIBABAD , GHAZIABAD , U.P., INDIA

#### SAMPLING DETAILS

|                      |                             |                   |                |
|----------------------|-----------------------------|-------------------|----------------|
| Analysis Start Date  | 18/06/2019                  | Analysis End Date | 21/06/2019     |
| Time of Sampling     | 17/06/2019                  | Sampling ID No.   | 004/18/06/2019 |
| Time of Sampling     | 13:30                       |                   |                |
| Sampling Done By     | NCL                         |                   |                |
| Sampling Location    | NEAR JAIN MARBAL, SAH.BABAD |                   |                |
| Sampling Description | DRAIN WATER (NALAH)         |                   |                |
| Sampling Protocol    | IS:3025(Part-I)             | Sampling Quantity | Two Lt         |
| Packing Condition    | Sealed                      | Packed In         | Glass Bottle   |

#### TEST RESULT

| S.No. | Parameter                                   | Unit       | Protocol        | Result |
|-------|---|------------|-----------------|--------|
| 1     | pH  | -          | APHA-1800(H+B)  | 8.06   |
| 2     | Total Suspended Solids (TSS)                | mg/L       | APHA-2540 (D)   | 156    |
| 3     | Bio Chemical Oxygen Demand (3 days at 27°C) | mg/L       | APHA-5210 (B)   | 73     |
| 4     | Chemical Oxygen Demand (COD)                | mg/L       | APHA-5220 (B)   | 557    |
| 5     | Oil & Grease                                | mg/L       | APHA-3520       | 3.8    |
| 6     | Total Coliform                              | MPN/100 ml | APHA-9215 (A B) | 1600   |
| 7     | Fecal Coliform                              | NO6/100ml  | APHA-9215 B     | 1500   |

\*\*\*\* End Of Report\*\*\*\*



FOR NEWCON CONSULTANTS & LABORATORIES



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Laboratory : 8th K.M. Stone, NH-58, Delhi Meerut Road, Merta (Opp. Manan-Dham Mandir) GHAZIABAD - 201 003 (U.P.)

Telefax : (0120) 2675225, Mobile : 9810430345, 8744051924

E-mail : [info@newconlab.in](mailto:info@newconlab.in), [newconlab@gmail.com](mailto:newconlab@gmail.com), [marketing@newconlab.in](mailto:marketing@newconlab.in)



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## TEST CERTIFICATE



ISO 9001/14001/OHSAS 18001  
Reg. No. R5917361

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### WASTE WATER SAMPLE ANALYSIS REPORT

TEST REPORT NO : NCL/CISG/003/18/06/2019

DATE OF REPORT : 21/06/2019

Name And Address Of Customer

COUNTRY INN & SUITES(A UNIT OF MAGNUM VENTURES LTD)  
SITE IV, INDUSTRIAL AREA, SAHIBABAD , GHAZIABAD, U.P., INDIA

#### SAMPLING DETAILS

|                      |  |                   |                |
|----------------------|--|-------------------|----------------|
| Analysis Start Date  | 18/06/2019                             | Analysis End Date | 21/06/2019     |
| Date of Sampling     | 17/06/2019                             | Sampling ID No.   | 003/18/06/2019 |
| Time of Sampling     | 13:10                                  |                   |                |
| Sampling Done By     | KCL                                    |                   |                |
| Sampling Location    | INFRONT OF SRO, INDL. AREA, BRIJ VIHAR |                   |                |
| Sampling Description | DRAIN WATER (NALAF)                    |                   |                |
| Sampling Protocol    | IS.3025(Part-I)                        | Sampling Quantity | Two Lt         |
| Packing Condition    | Sealed                                 | Packed In         | Glass Bottle   |

#### TEST RESULT

| S.No. | Parameter                                   | Unit       | Protocol        | Result |
|-------|---|------------|-----------------|--------|
| 1     | pH  | --         | APHA-4500(H+B)  | 8.75   |
| 2     | Total Suspended Solids (TSS)                | mg/L       | APHA-2540 (D)   | 218    |
| 3     | Bio Chemical Oxygen Demand (3 days at 27°C) | mg/L       | APHA-5210 (B)   | 92     |
| 4     | Chemical Oxygen Demand (COD)                | mg/L       | APHA-5220 (B)   | 445    |
| 5     | Oil & Grease                                | mg/L       | APHA-5520       | 4.4    |
| 6     | Total Coliform                              | MPN/100 ml | APHA-9215 (A,B) | 1800   |
| 7     | Fecal Coliform                              | Nosi/100ml | APHA-9215 B     | 1600   |

\*\*\* End Of Report\*\*\*

FOR NEWCON CONSULTANTS & LABORATORIES



T/C

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Laboratory : 8th K.M. Stone, NH-53, Delhi Meerut Road, Morla (Opp. Mahan Dham Mandir) GHAZIABAD - 201 003 (U.P.)

Tel/fax : (0120) 2875225, Mobile : 9810430346, 8744061924

E-mail : info@newconlab.in, newconlab@gmail.com, marketing@newconlab.in

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BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI

Case No.: CA No. 18/2014 in OA No. 16/2014

IN THE MATTER OF:

Shri Hari Singh

Versus

State of U.P. & Or.

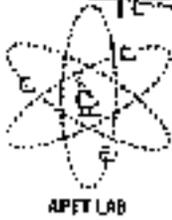
PROOF OF SERVICE

|                  |               |                          |
|------------------|---------------|--------------------------|
| APPLICANT        |               | Hari Singh               |
| RESPONDENT NO.1  |               | <del>State of U.P.</del> |
| RESPONDENT NO.2  | Dr. Sandeep   | <del>State of U.P.</del> |
| RESPONDENT NO.3  | CPCB          | <del>State of U.P.</del> |
| RESPONDENT NO.4  | UPPCL         | <del>State of U.P.</del> |
| RESPONDENT NO.5  | NTPA Wazirpur | <del>State of U.P.</del> |
| RESPONDENT NO.6  |               | <del>State of U.P.</del> |
| RESPONDENT NO.7  |               |                          |
| RESPONDENT NO.8  |               |                          |
| RESPONDENT NO.9  |               |                          |
| RESPONDENT NO.10 |               |                          |

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# APEX TESTING AND RESEARCH LABORATORY

## ANNEXURE-R/10

9/30, Kirti Nagar, Industrial Area, New Delhi-110015  
 E-mail : info.apex2015@gmail.com,  
 apex.testing.researchlab2015@gmail.com  
 Website : www.atrl.in, Tel. : 011-47081611, +91-8376945025  
 ISO 9001:2015 | ISO 14001:2015  
 ISO 45001:2018 Certified | FSSAI Approved Lab | Govt. Approved Lab

### TEST REPORT

|                      |  |                       |                                    |
|----------------------|--|-----------------------|------------------------------------|
| Issued To            | : M/s. Rambha Enviro Pvt. Ltd.               | Report / Sample No.   | : 202100128AP1610                  |
|                      | : Resaudi, Near Paner Chowk                  | Date Of Receipt       | : 28.10.2021                       |
|                      | : Village- Sarjapad, Sector-78, Noida-201301 | Date of Issue         | : 02.11.2021                       |
| Nature of the Sample | : STP Outlet Water                           | Test Started On       | : 29.10.2021                       |
| Customer Ref. No     | : N.S  | Test Completed on     | : 01.11.2021                       |
| Brand Name           | : N.S  | Sample Quantity       | : 1 Ltr.                           |
| Sampling Method      | : N.S  | Sample Pkg            | : Pet Bottle                       |
| Sample Collected by  | : Lab Representative (Mr. Sunil)             | Any Other Information | : Site- Cloud-9<br>Sec-1, Vaishali |

| S. No.                     | Parameters   | Units | Results    | Requirement as per CPCB | Test Method                       |
|----------------------------|--|-------|------------|-------------------------|-----------------------------------|
| <b>CHEMICAL PARAMETERS</b> |  |       |            |                         |                                   |
| 1.                         | pH   | --    | 7.47       | 5.5-9.0                 | IS: 3025(P-11)-1983, RA 2017      |
| 2.                         | Oil & Grease                                       | mg/l  | ND(DL-1.0) | 10 max                  | APHA 23 <sup>rd</sup> Ed 5520 (B) |
| 3.                         | Biochemical Oxygen demand (BOD at 27°C for 3 days) | mg/l  | 21.0       | 30 max                  | IS: 3025(P-14)1993 RA 2019        |
| 4.                         | Chemical Oxygen Demand                             | mg/l  | 80.0       | 250 max                 | IS: 3025(P-5B)2006 RA 2017        |
| 5.                         | Total Suspended Solid                              | mg/l  | 16.0       | 100 max                 | IS: 3025(P-17)-1984 RA 2027       |

CPCB:- Central Pollution Control Board  
 ND - Not Detected  
 DL:- Detection Limit



\*\*End of Report\*\*

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Terms & Conditions:- 1. Test reports are valid only for the samples tested in our laboratory. 2. Samples will be destroyed after 30 days from the date of issue of test reports unless otherwise specified. 3. Samples tested are Non-Returnable until specified at time of sample submission. 4. This report will not be valid for judicial purpose or for advertisement. 5. Any complaints about this report should be communicated in writing within 7 days of issue of this report. 6. Total liability of our laboratory is limited to unpaid amount. THIS REPORT IS NOT VALID WITHOUT HOI OGRAA