

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 836/2024**

IN THE MATTER OF: -

SARITA DWIVEDI

APPLICANT

VERSUS

STATE OF U.P. & ORS.

RESPONDENTS

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Date: 22.08.2025

Place: New Delhi



Ashwin Kumar Nair

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WRITTEN SUBMISSION ON BEHALF OF RESPONDENT NO. 6:

MOST RESPECTFULLY SHOWETH:

1. That the Hon'ble NGT Bench took suo-moto cognizance towards letter of the alleged petitioner named Sarita Dwivedi, resident of 403, Omaxe City, Raebareli Road, Lucknow, dated 30.10.2023 in which Respondent No. 6, M/s Omaxe Ltd., was impleaded.
2. That it is humbly submitted that the captioned matter has been reserved for order on 19.08.2025 and the Hon'ble NGT Bench has directed the Respondent No. 6 to file its written submissions gathering all its contention in one place to prove that the issues raised in this matter are thoroughly resolved.
3. That the two issues raised in the present case were related to the firstly restoration / rejuvenation of 5 ponds situated at Khasra Nos. 1211/0.019, 1250/0.076, 1251/0.025, 1653/0.038, and 1881/0.202 to its original form. Secondly regarding the Green belt area being secured and maintained by the Respondent in its project Omaxe City, Lucknow.

ISSUE NO. 1 – 5 PONDS:

4. That this Hon'ble Tribunal, vide its order dated 20.02.2025, was pleased to direct the respondents to complete the restoration and rejuvenation of pond category lands (Khasra numbers 1211, 1250, 1251, 1653, 1681) situated in village Aurangabad Khalsa, Tehsil Sarojini Nagar, Lucknow by 31.03.2025. The Hon'ble Tribunal further directed that an action taken report be submitted at least one day prior to the next date of hearing.
5. That in furtherance to the order dated 20.02.2025, the Respondent No. 6 had filed an affidavit dated 24.04.2025, along with a recent geotagged photograph of the restored ponds in accordance with the directions of this Hon'ble Tribunal, which was filed on 24.04.2025 before this Hon'ble Tribunal and has been taken on record. This affidavit can be found from **page numbers 630 to 649**.
6. That the affidavit dated 24.04.2025 stated that, *“it is most humbly and respectfully submitted before this Hon'ble tribunal that the Respondent No. 6 has duly complied with the said directions of this Hon'ble Tribunal. The restoration works across all five Khasra numbers 1211, 1250, 1251, 1653, and 1681 have been completed in all respects. The ponds were executed and brought to their original contours, and pavements were laid as per the standard design and compliance norms”*.
7. That the Respondent No. 6 have also filed a supplementary affidavit dated 03.07.2025 reiterating that it has restored all five Khasra numbers 1211, 1250, 1251, 1653, and 1681 and the ponds were brought to their original contours, and

pavements were laid as per the standard design and compliance norms. This has been backed by annexing pictures as Annexure R6/1 (colly), which can be found from **page numbers 813 to 825**.

8. That the joint committee report filed on 03.07.2025 also stated that *“the Respondent No. 6 has fenced and demarcated the ponds to prevent any further encroachment. That the Municipal Corporation, Lucknow should rejuvenate the aquatic eco system of ponds and maintain the flora-fauna & serenity of the water body (Pond).”* The demarcated and restored ponds are clearly shown in the pictures attached in this report which can be found from **page number 715 to 720**.
9. That the Respondent No. 6 filed another affidavit dated 18.08.2025 supporting its earlier contentions the *“further directions of Hon’ble Tribunal hereby even the aquatic fauna was also restored”*. (The said affidavit can be found starting from **page number 826** and the paragraph proving this contention is Para no. 10 which can be found from **page 830 to 831**) stating that, *“For that the Project proponent have rectified that above mentioned defect and recent geotagged photographs of the restored ponds are being submitted herewith demonstrate the compliance undertaken.”*
10. That the pictures showing the five restored Khasra are annexed as Annexure No. 1 in the said affidavit and can be found from **page number 840 to 843**.
11. That all these submissions, affidavits, reports and annexed pictures proved the submission of Respondent No. 6 that the Khasra numbers 1211, 1250, 1251, 1653, and 1681 and the

ponds were brought to their original contours, and pavements were laid as per the standard design and compliance norms.

ISSUES NO. 2 – GREEN-BELT AREA:

12. That it is humbly submitted on record in Part-B of the supplementary affidavit filed by Respondent No. 6 on 18.08.2025 (**Pg. 834 to 839**) *“that the Map for the development of the project of the respondent no. 6 was sanctioned by the Lucknow Development authority in which the statutory requirement as prescribed under clause 2.2.1 (kh) (I) of the building bye laws has been merely 15% of the total area and accordingly no objection certificate has been granted by the Uttar Pradesh Pollution Control Board, Lucknow (hereinafter referred as "UPPCB") vide its letter dated 05.02.2007 bearing no. 1864/NOC-3189/07.”* (This letter is marked as Annexure-6 of the supplementary affidavit filed by Respondent No. 6 and can be found on **page number 892**).
13. That the UPPCB filed an affidavit on 18.08.2025 wherein Paragraph No. 3, 4 and 5 (**Pg. Nos. 900 to 919**) they stated that :

“3. The NOC was granted to the Project Proponent vide letter dated 20.01.2007 where in the green belt was mandated 33% of the proposed area in para no. 9 of the NOC. However, the said area of green belt was changed to 15% vide letter of amendment dated 05.02.2007 in pursuance of the building bye-laws and guidelines being issued by the Lucknow Development Authority.

4. That the Consent to Operate being issued by the Board on 30.07.2024 (Para 10) has mandated the green belt area as 33% in terms of the provisions laid down in UPPCB Office Order No.-H 16405/220/2018/02 dated 16.02.2018 (Para 1-A/D)."

14. That it may be noted by the Hon'ble Tribunal that it was upon the no objection certificate provided by UPPCB that the project can be developed with a green area of 15% and subsequent sanctioning of the layout map by the concerned authority, the Respondent no. 6 under legitimate expectation believing it to be true and legal developed the project and obtained the completion certificate in the year 2010.
15. That the affidavit further stated that *"Furthermore, in addition to the specified green belt, the project has incorporated extensive afforestation within the premises. Large trees such as mango, neem, peepal, banyan, focus, and other native species have been planted along pathways, roads, parks, and within the boundary walls of the township. These trees, which are now over 10 years old, significantly enhance the ecological balance of the area and contribute to the overall environmental sustainability of the project. This additional afforestation is beyond the mandated 16.07% green belt and underscores the commitment of the respondent no. 6 to environmental conservation."*
16. *"That the project proponent also grace details regarding to the fact that, large trees over 10 years old have been planted on both sides of roads measuring 24 metres, 18 metres, 12 metres, 9 metres, and 6 metres, which together constitute 47%*

*of the total road length. Through this plantation, a green area covering 5.17 hectares has been developed along both sides of these roads.” This is backed by a letter dated 12.08.25 sent by Respondent No. 6 to UPPCB which is annexed as ANNEXURE-9 in the supplementary affidavit filed on 18.08.2025 from **page 895 to 896.***

17. However, it is relevant to state here that the project had been duly completed many years before issuance of the said office order and accordingly a completion certificate was issued by the Lucknow development authority on 21.04.2010.
18. That the Respondent No. 6 have agreed with the proposal of UPPCB for providing the community land for the development of the green belt area as per affidavit on 18.08.2025 wherein Paragraph No. 3, 4 and 5 (**Pg. Nos. 900 to 919**) they stated that.

Date: 22.08.2025

Place: New Delhi



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