

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O. A NO. 649/2022

IN THE MATTER OF:

NARENDER PRATAP SINGH

..... APPLICANT

VERSUS

CENTRAL POLLUTION CONTROL BOARD & ORS

..... RESPONDENTS

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PLACE : NEW DELHI

DATE: 16.05.2023



ANKIT ROY

ADVOCATE FOR RESPONDENT NO. 5

A – 334, LOWER GROUND FLOOR

A BLOCK, DEFENCE COLONY

NEW DELHI – 110024

MOB. NO. +91 8130584944

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**ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 5 – U. P
ASBESTOS LTD. IN COMPLIANCE OF ORDER DT. 09.05.2023 WITH
SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. It is most respectfully submitted that the Respondent No. 5/answering Respondent is filing the present Additional Affidavit in light of the liberty granted by this Hon'ble Tribunal vide order dt. 09.05.2023, which reads as follows:

".....5. Learned Counsel for respondent no. 5 has submitted that respondent no. 5 will explore the possibility of providing requisite land for 33 % plantation within its premises and in case the same is not feasible then respondent no. 5 will provide alternative land in the vicinity for such plantation and seeks time to file additional reply in this regard.

.....

7. Action Plan be filed by the DFO, Gautam Budh Nagar and additional reply be filed by respondent no. 5 within one week by email at judicialngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of image PDF...."

1. It is most humbly submitted that vide the present Affidavit, the answering Respondent seeks to bring on record the requisite steps taken for providing land for maintaining the 33% plantation area within the factory premises.
2. Further, apart from the 33% plantation within the factory premises, the answering Respondent reiterates that it shall participate in the plantation drive to be carried out in the NTPC Dadri Range for the plantation and maintenance of 5000 trees during the years 2023-24 to 2025-26, for which an amount of Rs. 8,05,000/- has already been deposited on 24.04.2023.

PLANTATION WITHIN THE FACTORY PREMISES

3. It is most respectfully submitted that the factory premises of the answering Respondent is situated in 8.50 acres. It is submitted that the answering Respondent is obligated to maintain 33% of the total area as a green belt, which is 2.805 acres [DFO report dt. 08.05.2023 inadvertently mentions as 3.44 acres]. However, in the report dt. 08.05.2023 filed by the DFO, Gautam Budh Nagar, it has been observed that there are 915 plants of various species planted within the factory premises, which may be less than the required 33% of the planted area.
4. It is the most humble submission of the answering Respondent that pursuant to the order dt. 09.05.2023 passed by this Hon'ble Tribunal, the answering Respondent engaged the services of Shoqeen & Associates, Architects to survey the factory premises and prepare a map of the factory

and to demarcate the 33% areas which can be developed into a green belt as directed by this Hon'ble Tribunal on 09.05.2023.

5. It is respectfully submitted that the architects surveyed the factory premises on 15.05.2023 and has prepared a map which shows the manner in which 33% area of the factory can be developed into a green belt. As per the map, the total factory area is 34,398 sq. m [8.5 acres] out of which the 33% green belt area can be developed in 11,405 sq. m [2.818 acre].

A copy of the map prepared by Shoqeen & Associates based on the survey dt. 15.05.2023 is annexed herewith and marked as **Annexure R5/1 [pg. 9]**.

6. Therefore, it is most respectfully submitted that the answering Respondent can develop the 33% green area within its factory premises and hence, is not required to make any alternative arrangements for developing the 33% green belt. It is most pertinent to highlight that in order to develop the 33% green belt, the answering Respondent will have to dismantle the oxygen plant established within the factory premises during COVID pandemic alongwith the passage used by the vehicles for transporting cylinders and the storage area constructed for the oxygen cylinders. It is submitted that the total area covered by the oxygen plant, passage and the storage area is 1.7 acre.

7. It is most humbly submitted that the species of the plants which is suitable for plantation in the 33% green belt within the factory premises, quantum and nature of fertilizers etc. to be used can be decided on the basis of the soil testing reports to be conducted as advised by the DFO, Gautam Budh Nagar.

PLANTATION OF 5000 TREES IN THE NTPC DADRI RANGE

8. It is most humbly reiterated that the answering Respondent will also participate in the plantation drive to be carried out in the NTPC Dadri Range for the plantation and maintenance of 5000 trees during the years 2023-24 to 2025-26.
9. As recorded in the order dt. 09.05.2023, out of the total cost of Rs. 15,55,000/- to be paid by the answering Respondent for the said plantation drive, the answering Respondent has already paid Rs. 8,05,000/- to the DFO, Gautam Budh Nagar and undertakes to make the balance payment as and when required.
10. Apart from the above, the answering Respondent has also paid an amount of Rs. 7,03,125 as an environmental compensation imposed by UPPCB on 19.01.2023 and paid on 20.01.2023. It is respectfully submitted that as per the order dt. 27.04.2023 passed by this Hon'ble Tribunal, it has been directed that the UPPCB shall transfer the said EC paid by the answering

Respondent to the DFO, Gautam Buddha Nagar and the same be utilized for carrying out plantation for protection and improvement of environment in the area.

11. In addition to the above, it is respectfully reiterated that in furtherance of its CSR activities, the answering Respondent has accepted a proposal received from Madhayam Samajik Sanstha, an NGO registered under the relevant provisions of the Income Tax Act and the Foreign Contribution Regulation Act, for the purpose of carrying out plantation work and distribution of blankets to be carried out during winters. The said project is valid for a period of 5 years with a yearly contribution of Rs. 6,00,000/- totaling Rs. 30,00,000/-.
12. Hence, it is prayed that this Hon'ble Tribunal may be pleased to take the present Additional Affidavit on record and dispose of the present OA by passing necessary directions.

PLACE: NEW DELHI

DATE: 16.05.2023



ANKIT ROY

ADVOCATE FOR RESPONDENT NO. 5

A – 334, Lower Ground Floor

A Block, Defence Colony

New Delhi – 110024

Mob. No. +91 8130584944

Email – ankitroy577@gmail.com

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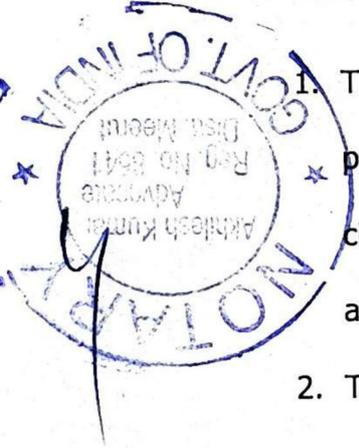
..... RESPONDENTS

AFFIDAVIT

I, Rohit Goel, aged about 40 years, S/o Shri Anil Goel, Resident of House No. 64, Chankyapuri, Meerut – 250004, Uttar Pradesh, authorized representative of U.P Asbestos Ltd. having registered office at P.O. Mohanlalganj, Lucknow - 226301, Uttar Pradesh, do hereby solemnly affirm and state as under: -

1. That I am the authorized representative of Respondent No. 5 in the present Application and as such am well acquainted with the facts and circumstances of the case and am duly competent to swear the present affidavit.
2. That I have understood the contents of the accompanying Additional Affidavit on behalf of the Respondent No. 5 and state that the contents of the same are correct to the best of my knowledge which I believe to be true and correct. The legal submissions made therein are based on legal advice received and believed to be true.
3. That no part of the present affidavit is false and nothing material has been concealed therefrom.


U. P. Asbestos Ltd.
 Village-Bishara, Tahsil-Dadri
 Distt. Gautambudh Nagar-203007 U.P.



4. The Annexures to the accompanying Additional Affidavit are true copies of their respective originals.

[Signature]
O. P. Asbestos Ltd.
Village-Bishara, Tahsil-Dadri
Distt. Gautambudh Nagar-203007 U.P.
DEPONENT

VERIFICATION:

Verified at 17TH on this Wednesday of May 2023, that the contents of the above affidavit are true and correct to my knowledge and documentation and no part of it is false and nothing material has been concealed therefrom.

[Signature]
O. P. Asbestos Ltd.
Village-Bishara, Tahsil-Dadri
Distt. Gautambudh Nagar-203007 U.P.
DEPONENT



ATTESTED
[Signature]
ANIMESH KUMAR
NOTARY, MEERUT
17/05/23



CLINT:- M/s UP ASBESTOS LIMITED
 VILLAGE & POST BISHADA, NTPC ROAD,
 DADRI, GAUTAM BUDDH NAGAR, 201301
 GREATER NOIDA

SHOOQEN & ASSOCIATES
 Cont :- +919045924494
 mpshoqenmps786@gmail.com

Scale - NTS
 TOTAL LAND AREA
 34398 Sqm.

Notes:-
 1. All Measurements are in meters.
 2. Taken reference RL and Coordinate is assumed.
 3. Topography Survey has been done with Total Station (ETS).
 4. True north taken by Magnetic during field survey.

Drwn By :- Er. Pervez Shooqen
 Surveyed By :- Er. Pervez Shooqen
 Shahvez Alam

Date of Survey
 15/05/2023
 GREEN AREA
 (EXISTING + PROPOSED)
 11405 Sqm..

LEGEND	
SYMBOL	DESCRIPTION
	Fencing
	Cart Track
	Well/Bore
	Light Pole
	Transformer
	Electrical Pole
	Road Width
	Road or Line
	Building
	Water Tank
	Trees / Bush
	Boundary Wall
	Gate
	YBM
	Temple

773



Ankit Roy <ankitroy577@gmail.com>

Advance service of Additional Affidavit to be filed in OA 649/2022 on behalf of R5 - UP Asbestos Ltd.

1 message

Ankit Roy <ankitroy577@gmail.com>
To: sanand.cpcb@nic.in, ranagdhruv546@gmail.com

17 May 2023 at 20:31

Respected sir/ma'am

Please find attached the additional affidavit which is being filed on behalf of R5 in the captioned matter in compliance of the order dt. 09.05.2023

Kindly treat the same as an advance service.

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Regards
Ankit Roy
Advocate-on-Record
Supreme Court of India
+91 8130584944

 **final Affidavit_17th MAY.pdf**
2100K