



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या- H94167/सी-7/O.A.N.-485/2022/2023 दिनांक 23/05/2023

To,

The Registrar General,
Principal Bench,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.

Sub : Regarding submission of Additional Reply in the matter of O.A. No. 485/2022 Gautam Sharma Vs. State of U.P. & Ors. dated 23-02-2023.

Sir,

In compliance of the direction passed by Hon'ble National Green Tribunal during hearing on 23-02-2023 in the matter of O.A. No. 485/2022 Gautam Sharma Vs. State of U.P. & Ors. the Additional Reply on behalf of UPPCB is hereby attached with a request to put up before Hon'ble National Green Tribunal for kind perusal.

Encl.: As above.

Your's Sincerely,

(Vivek Roy)

Chief Environment Officer

Additional reply on behalf of UPPCB in compliance to directions issued by Hon'ble NGT vide order dated 23.02.2023 in the matter of Gautam Sharma Vs State of U.P. & Ors. in O.A. No. 485/2022-

Background-

In the matter of O.A. No.-485/2022 Gautam Sharma V/s State of Uttar Pradesh, earlier inspection was carried out on dated 12-10-2022 by the joint committee and report filed in the Hon'ble NGT on dated 03-11-2022 through e-mail by UPPCB. Again the concerned sites of mining lease holders were inspected by the officials of Uttar Pradesh Pollution Control Board, Regional Office, Bijnor on 11-02-2023. At the time of inspection mining leases M/s Brijwala Infra Solutions Pvt. Ltd. and M/s Jayanti Entrepreneur Pvt. Ltd. were not found in operation.

Hon'ble NGT vide order dated 23.02.2023 in the matter of Gautam Sharma Vs State of U.P. & Ors. in O.A. No. 485/2022 passed following directions: -

"5. Respondent No. 3-UPPCB is directed to file additional reply mentioning requisite details regarding obtaining of CTE/CTO by the mining lease holders from the UPPCB.

8. List the matter for further consideration on 25.05.2023....."

In compliance of the above directions passed by Hon'ble NGT, additional reply regarding obtaining CTE/CTO from UPPCB by Mining lease holders is as below: -

1- M/s Brijwala Infra Solutions Pvt. Ltd., (Mining lease holder) Gata no. 2/102 village Shahalipur Kotra, Near Khoh river, Tehsil Nagina, District Bijnor -

- The unit had applied for Consent to Establish (CTE) on 03.01.2022 under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 which was refused by U.P. Pollution Control Board vide ref. no. 147467 /UPPCB /Bijnor(UPPCBRO) /CTE /Bijnor /2022 dated 24.03.2022.

- It is submitted that early 98 Central Pollution Control Board (CPCB) has issued a letter dated 02-02-2017 regarding mechanism to be followed for granting Consent to Operate (CTO) under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, for certain category of industries.

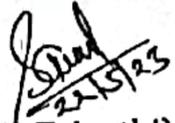
As per the letter the projects which has obtained Environmental Clearance (EC) from SEIAA and installed requisite pollution control system, may be issued Consent to Operate (CTO) directly. (The letter of CPCB dated 02-02-2017 is enclosed herewith and annexed as Annexure No.-1)

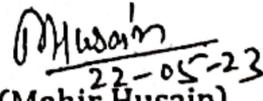
- It is submitted that the unit has not applied for obtaining Consent to Operate (CTO) from UP Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 till date.

2- M/s Jayanti Entrepreneur Pvt. Ltd.,(Mining lease holder) Gata no. 70mi, village Abulfazalpur, Pahara, Near Khoh river, Tehsil Nagina, District Bijnor-

It is submitted that M/s Jayanti Entrepreneur Pvt. Ltd. for mining of River Bed Material (RBM) on river bed of river Khoh at gata no. 70mi, village Abulfazalpur, Pahara, Tehsil Nagina, District Bijnor has not applied for obtaining Consent to Operate (CTO) from UP Pollution Control Board under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 till date.

The above report is put up before Hon'ble Tribunal for kind consideration.


(S.K. Tripathi)
Scientific Asstt.


(Mahir Husain)
Asstt. Env. Engineer

Regional Officer




केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

No. B- 29012/ESS/CPA/2016-17/2570

February 2, 2017

To,

The Member Secretary,
All the State Pollution Control Boards / Pollution Control Committees
(As per List Attached)

Sub: Grant of Consents under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, and charging Consent fees thereon.

Sir / Madam

This has reference to the subject matter relating to streamlining the modalities of consent mechanism which has been discussed with SPCBs /PCCs in earlier meetings and conferences.

The matter was also deliberated at the 175th Meeting of the Board of CPCB held on 21st December, 2016 and it has been decided that the following modified mechanism for granting of consent to various categories of Industries / projects may henceforth be followed :

- I. For White category of Industries, there is no need to obtain Consents. Information to concerned SPCB is sufficient.
- II. Combined Consent for Establishment & Operation can be issued to Green category of Industries irrespective of their sizes i.e. large/ medium/ small. In such cases, the Industry shall submit an undertaking regarding expected date of start-up of production and intimate the SPCB/ PCC atleast 15 days in advance before start-up of commercial production.
- III. There should not be any need to obtain Consent to Establish for Building / Construction Projects / Area Development Projects and Township Projects, which are mentioned at serial no. 8(a) and 8(b) of Schedule of Projects in EIA Notification, 2006. For such projects, Environment Clearance shall suffice subject to the condition that there should be a permanent member from SPCB in the State Level EIA Authority to represent the views of SPCB.

Contd...2/-

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