

# 507

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI

APPEAL NO. 35 OF 2025

IN THE MATTER OF:

SACHIN KUMAR BALIYAN

.....APPELLANT

VERSUS

UPSEIAA & ORS

. ...RESPONDENTS

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**NEW DELHI**

**DATED: 13.02.2026**



**(PRADEEP MISRA & DALEEP DHYANI)**

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BEFORE THE NATIONAL GREEN TRIBUNAL AT  
NEW DELHI

APPEAL NO. 35 OF 2025

**IN THE MATTER OF:**  
**SACHIN KUMAR BALIYAN**

.....APPELLANT

VERSUS

UPSEIAA & ORS

.....RESPONDENTS

**AFFIDAVIT ON BEHALF OF UTTAR PRADESH POLLUTION  
CONTROL BOARD IN COMPLIANCE OF ORDER DATED  
25.11.2025 PASSED BY THIS HON'BLE TRIBUNAL**

I, Rajendra Prasad, S/o. late Shri Vishnu Ram, aged about 58 years, Regional Officer, Uttar Pradesh Pollution Control Board, Meerut, U.P. do hereby solemnly affirm and declare as under:

1. That I in the abovenoted capacity, am well conversant with the facts and records of the present case, hence am competent to swear this affidavit.
2. That the abovenoted matter came up for hearing on 25.11.2025 when this Hon'ble Tribunal passed the following order:

*"....1. Reply on behalf of the Respondent No. 5- CPCB and 7-M/s Synergy Waste Management Pvt. Ltd. have been filed. Learned Counsel for Respondents No. 1 and 3 as also learned counsel for the Respondent No. 9 and 4 seek for four*

*weeks' time to file the reply. The affidavit of service filed by the Applicant discloses that the Respondents are not served as per Rules. Therefore, the Appellant is directed to serve the unrepresented Respondent as per Rules through speed post and file affidavit of service atleast one week before the next of hearing.*

2. List on 16.02.2026..”

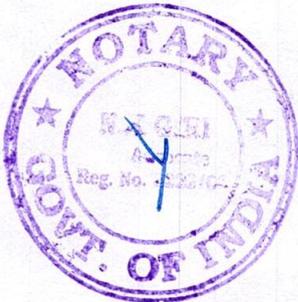
3. That in compliance of the above order, the present affidavit is being filed.
4. That the Appellant has filed this Appeal against the Environment Clearance dated 31.03.2025 issued by UPSEIAA in favour of Respondent No. 7. The Appellant in the Appeal has made the following prayers:

“a. Set aside the impugned Environment Clearance dated 31.03.2025 issued by UP SEIAA in favour of Respondent No. 7;

b. Set aside the Terms of Reference dated 18.10.2024 granted by UP SEIAA to R-7;

c. Call for the records in the matter;

d. A disciplinary enquiry may also be initiated against the officials concerned of Respondent No. 1 – UP SEIAA as well as Respondent No. 4 – UPPCB including other Respondents who have been



misusing the provisions of law and the jurisprudence of EIA notification 2006, CPCB and Revised Guidelines of CPCB and in order to provide undue and unwarranted benefits to R-7;

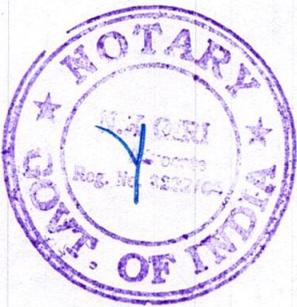
e. The cost of the Appeal may also be accorded in favour of the Appellant;

f. Any other relief as the Hon'ble Tribunals deem fit and proper."

5. That it is submitted that Prayer (b) and (d) are not maintainable as the Appeal from the order dated 18.10.2025, granting Term of Reference by SEIAA is not maintainable being time barred.

6. That it is further submitted that O.A. No. 774 of 2022 was filed before this Hon'ble Tribunal against the same Project Proponent by one Gaurav Garg wherein following prayer was made:

"a. Direct the Uttar Pradesh State Pollution Control Board to seal the Common Bio Medical Waste Treatment Facility of Respondent No. 08 as the same is operating without Environment Clearance and as such is in violation of Environment (Protection) Act, 1986, Bio Medical Waste Management Rules 2016, MoEF&CC guidelines dated 17.04.2015 and CPCB guidelines.



*oh*

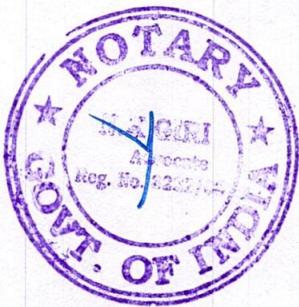
b. Direct District Magistrate – Meerut to stay the operation of Common Bio Medical Waste Treatment Facility of Respondent No. 8 as the same is operating in Non Industrial Area/Non Confirming Area and as such is in violation of Environment (Protection) Act, 1986, Bio Medical Waste Management Rules 2016, MoEF&CC Guidelines dated 17.04.2015, MoEF Order dated 20.09.2021 and CPCB guidelines.

c. Direct Respondent No. 01 to entertain its power as prescribed under Section 5 of the Environment (Protection) Act, 1986 and as such issue an Order to stop the supply of electricity, water and other services provided to the Common Bio Medical Waste Treatment Facility of Respondent No. 08.

d. Direct the Central Pollution Control Board to inspect the Bio Medical Waste Disposal Facility to calculate the environmental damage done by Respondent No. 06.

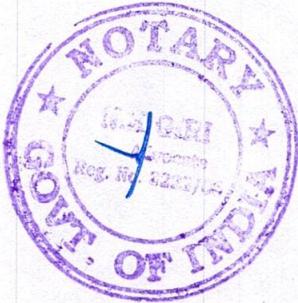
e. Impose exemplary environmental compensation against the Respondent No. 08 under the polluter pays principles as provided under Section 20 of the National Green Tribunal Act, 2010.

f. Pass any such other or further order as this Hon'ble Tribunal may deems fit and proper in the facts and circumstances of the present case.”



7. That this Hon'ble Tribunal vide judgment and order 02.03.2023 directed that Project Proponent will apply for EC within a month. The said Para 67 of the order reads as follows:

"67. In these facts and circumstances of the case the application is disposed of with the directions to the Respondent No.8 to apply for EC within one month from the date of receipt of a copy of this order and (iii) to the UPPCB to allow the Respondent No.8 to run the CBWTF for at least three months till filing of the application and consideration of the same for grant of EC ex post facto, subject to extension in case of delay in disposal of the application for grant of EC."



8. That thereafter the Project Proponent has filed MA No. 90 of 2023 wherein it was stated that the replying Respondent UPPCB has been directed to allow the Project Proponent to run CBWTF for atleast 3 months till filing of the application and consideration of the same for grant of EC ex post facto by SEIAA. UPPCB has granted consent w.e.f. 12.05.2023 till 11.08.2023. Project Proponent applied for extension which was not allowed by UPPCB. The Project Proponent also filed MA No. 63 of 2023 on which this Hon'ble Tribunal vide order dated 11.08.2023 directed SEIAA to dispose of the application for EC within 30 days. Hence, the Applicant has prayed for issuance of direction to UPPCB for grant of consent to operate and to SEIAA to consider the application for grant of EC.

*oh*

9. That another MA No. 94 of 2023 was filed by original applicant wherein it was stated that Project Proponent had applied for EC on 01.04.2023 and could not obtain the same. The Consent to Operate expired on 11.01.2023, hence Respondent No. 1 is illegally operating CBWTF and be directed to close the same.

10. That this Hon'ble Tribunal vide order dated 09.10.2023 has directed the UPPCB to extend the validity period of consent to operate till disposal of application granted by SEIAA and SEIAA has to dispose of the application as directed in the judgment. True copy of order dated 09.10.2023 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-1**.

11. That on 30.10.2023 it was informed by Member Secretary, UPPCB that CTO has been granted to the Project Proponent till the grant of ex post facto EC and the EC will be considered expeditiously. True copy of the order dated 30.10.2023 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-2**.

12. That again the case came up for hearing on 14.02.2024 when this Hon'ble Tribunal has noted that CTO have been granted to the Project Proponent till the disposal of application for grant of Environmental Clearance. SEIAA, U.P. in its report has mentioned that Terms of Reference

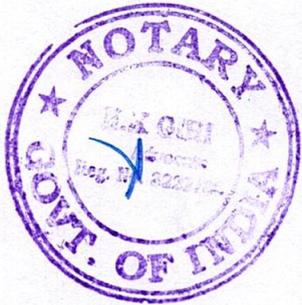


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for Captive Treatment Facility (But proposed Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., Synergy Waste Management Private Limited) were granted vide SEIAA letter No. 381/Parya/SEIAA/7761/2023 dated 18.01.2024. True copy of the order dated 14.02.2024 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-3**.

13. That again the matter was listed on 11.09.2024 when nobody appeared for SEIAA, hence this Hon'ble Tribunal directed the Member Secretary, SEIAA to appear in person on the next date i.e. 23.09.2024. True copy of the order dated 11.09.2024 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-4**.

14. That on 23.09.2024 Member Secretary, SEIAA appeared in person when it was stated on behalf of Member Secretary, SEIAA that Project Proponent has not submitted reply, hence final order could not be passed. This Hon'ble Tribunal has granted one month's time within which SEIAA, U.P. may pass the final order. True copy of the order dated 23.09.2024 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-5**.

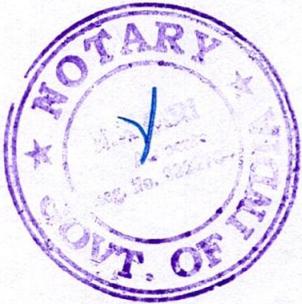


A handwritten signature in blue ink, appearing to be 'OH' with a horizontal line underneath.

15. That on 14.11.2024 it was stated on behalf of SEIAA that recommendations have been made to grant Terms of Reference. However, the said minutes were signed by only Member Secretary, SEIAA, U.P. and not by Chairman. Hence the Chairman, SEIAA and Member Secretary were directed to appear before this Hon'ble Tribunal to explain as to how minutes of meeting have been placed before the Hon'ble Tribunal without signatures of Chairman, SEIAA, U.P. and Member, SEIAA, U.P. True copy of the order dated 14.11.2024 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-6**.

16. That again the matter came up for hearing on 06.12.2024. It was stated on behalf of Project Proponent that application for grant of EC in Form-I was submitted by it within the time as directed by Tribunal's judgment dated 02.03.2023 which fact was disputed by the Counsel for SEIAA, hence original record was called. Regarding the discrepancy in signatures in minutes of meeting it was stated by Counsel for SEIAA that he will produce the record in this regard on the next date. True copy of the order dated 06.12.2024 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-7**.

17. That again the case came up for hearing on 18.12.2024. True copy of order dated 18.12.2024 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No.



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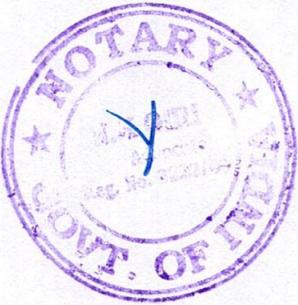
94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-8**.

18. That the matter came up for hearing on 05.05.2025 when it was recorded that affidavit dated 30.04.2025 has been filed by SEIAA, U.P. In the affidavit it has been mentioned that SEIAA, U.P. has granted EC dated 31.03.2025 to Project Proponent which has also been enclosed with the said affidavit. True copy of order dated 05.05.2025 passed by this Hon'ble Tribunal in M.A. No. 90 of 2023 and MA No. 94 of 2023 in O.A. No. 774 of 2023 is being enclosed herewith and marked as **Annexure-9**.

19. That it is respectfully submitted that M.A. No. 90 of 2023 and 94 of 2023 in O.A. No. 774 of 2022 are pending before this Hon'ble Tribunal in Bench-2 and on 11.02.2026 after hearing the parties and Member Secretary, CPCB and Member Secretary, UPPCB, the judgment has been reserved.

20. That regarding the Project Proponent, following are the relevant facts:

- 1) The said CBWTF Facility is installed in year 2002. The treatment and Disposal of Biomedical Waste capacity of the CBWTF is 120MT/Month. The capacity of the Incinerator is 300kg/hr, Shredder capacity is 300kg/hr and Autoclave Capacity is 300kg/hr.
- 2) Subharti Medical College is situated in South-East direction on 100meter distance, Swami Vivekanand

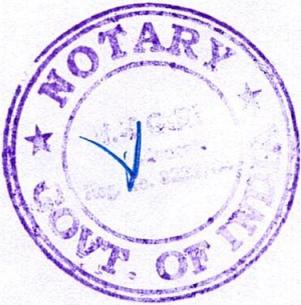


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University is situated in East direction on 200 meter distance, Greenwood city is situated in North-East direction on 200 meter distance and habitated area is situated in waste direction on 300 meter distance.

- 3) Unit has obtained Consent to Operate (CTO) from UP Pollution Control Board vide letter dt.14/07/2025 and valid upto 31/12/2029.
- 4) Unit has obtained Hazardous waste Authorization under the provisions of Hazardous and other waste (Management and Transboundary) Rules 2016 from UP Pollution Control Board vide letter dt. 11/07/2022 and valid upto 10/07/2027.
- 5) Unit has obtained Bio Medical waste Authorization under the provisions of Bio Medical waste Management Rules, 2016 as amended from UP Pollution Control Board vide letter dt.01/01/2025 and valid upto 31/12/2029.
- 6) Unit has obtained Environmental Clearance (EC) from State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh vide letter dt.30/3/2025.
- 7) Unit has installed Effluent Treatment Plant (ETP) for treatment of the washing and scrubbing water. The ETP was found operational during the inspection on dt.10/02/2026. The treated water is used in unit premising for scrubbing purpose in wet scrubber.
- 8) Unit has installed Incinerator having capacity 300kg/hr. LPG is used as fuel and ventury scrubber, droplet separator packedwet system, activated carbon filter, mist eliminator are installed as emission control system and 30meter height stack for gases



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emission. The Air pollution control system is found operational during the inspection on dt. 10/02/2026.

- 9) Online Continuous Emission Control System is installed on incinerator stack and connected to CPCB and UPPCB server and found operational.

The above facts are being placed for kind consideration of this Hon'ble Tribunal.



DEPONENT

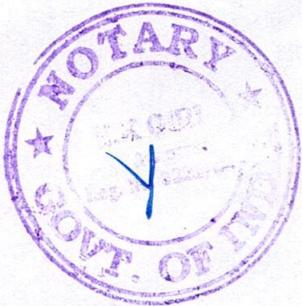
VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of above affidavit are true to my knowledge and belief. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 12<sup>th</sup> DAY OF FEBRUARY, 2026 AT MEERUT.



DEPONENT



ATTESTED NOTARY  
N. K. SHRI  
Advocate, Meerut  
Reg. No.-3222/05  
12/2/26

Item No. 1

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

M.A No. 90/2023 & M.A No. 94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 09.10.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Gaurav Kumar Bansal, Advocate for the applicant.

Respondents: Mr. Ajay Bansal, Mr. Gaurav Yadav, Ms. Veena Bansal and  
Mr. Sourav Jindal, Advocates for Respondent No. 8-Project  
Proponent.

**Application under Section 18(1) Read with Section 14 Of the National  
Green Tribunal Act, 2010**

**ORDER**

1. The applicant-respondent no. 8-M/s Synergy Waste Management Pvt. Ltd. has filed M.A No. 90/2023 that vide order dated 02.03.2023 this Tribunal directed respondent no. 8 to apply for EC within one month from the date of receipt of a copy of this order and directed the UPPCB to allow the respondent no. 8 to run the CBWTF for at least three months till filing of the application and consideration of the same for grant of EC ex-post facto, subject to extension in case of delay in disposal of the application for grant of EC. This Tribunal further directed that in case of any further delay in disposal of the application for grant of EC the respondent no. 8-Project Proponent may apply to UPPCB for extension of the validity period of

consents to operate and may also move this Tribunal by appropriate proceedings for such extension. Respondent no. 8 applied to SEIAA for EC on 01.04.2023 and made a representation to UPPCB for grant of consent. UPPCB granted consent on 05.06.2023, with effect from 12.05.2023 till 11.08.2023. Respondent no. 8 again applied to UPPCB for grant of consent but UPPCB did not allow extension and rejected the same. The applicant filed M.A No. 63/2023 on which this Tribunal vide order dated 11.08.2023 directed SEIAA to dispose of the application for EC within 30 days. Scheduled Meetings of SEIAA/SEAC could not take place and grant of EC is likely to take more time. Orders dated 02.03.2023 and 11.08.2023 have not been complied by the respondents. The applicant-respondent no. 8 has prayed for issuance of directions to UPPCB to grant consent to operate and to SEIAA to consider the application for grant of EC.

2. The original applicant- Mr. Gaurav Garg has filed M.A No. 94/2023 for issuance of directions to the respondents Authorities for taking action against the illegal operation of CBWTF by the respondent no. 8 without obtaining consents to operate and environmental clearance. The original applicant has submitted that respondent no. 8 applied for EC on 01.04.2023 and could not obtain the same and consents to operate expired on 11.01.2023. Respondent no. 8 is illegally operating CBWTF. The original applicant made complaints to the concerned respondents-Authorities but no action has been taken on the same and concerned respondents-Authorities be directed to take action against respondent no. 8 and to submit report in a time bound manner.

3. Learned Counsel for the respondent no. 8 has submitted that SEIAA and UPPCB have not complied with orders dated 02.03.2023 and 11.08.2023 and appropriate directions may be issued to them for considering the applications of the applicant-respondent no.8 and also for grant of extension of time for

operation of CBWTF in terms of order dated 02.03.2023 and 11.08.2023.

4. Learned Counsel for original applicant has submitted that in its order dated 11.08.2023, this Tribunal merely directed SEIAA to dispose of the application of respondent no. 8 as early as possible say within 30 days and no such extension of time can be granted as such extension will amount to review of order dated 11.08.2023.

5. The original application no. 774/2022 was disposed of by this Tribunal vide order dated 02.03.2023. The relevant part of the order dated 02.03.2023 reads as under:-

*"67. In these facts and circumstances of the case the application is disposed of with the directions to the Respondent No.8 to apply for EC within one month from the date of receipt of a copy of this order and (iii) to the UPPCB to allow the Respondent No.8 to run the CBWTF for at least three months till filing of the application and consideration of the same for grant of EC expost facto, subject to extension in case of delay in disposal of the application for grant of EC.*

*68. The Questions raised by the applicant and enlisted by this Tribunal in the present order are answered in terms of the above discussion.*

*69. In view of peculiar facts and circumstances of the case the parties are left to bear their own costs.*

*70. In case of any further delay in disposal of the application for grant of EC the Respondent No. 8-Project Proponent may apply to UPPCB for extension of the validity period of consents to operate and may also move this Tribunal by appropriate proceedings for such extension.*

*71. The Applicant shall also be at liberty to move this Tribunal by appropriate proceedings in case of violation of the BMWM Rules 2016, the CBWTF Guidelines 2016 EC/Consent Conditions and environmental norms."*

6. Learned Counsel for the original applicant and respondent no. 8 appearing before us have conceded that no appeal or writ petition has been filed against order dated 02.03.2023 passed by this Tribunal. Consequently, said order has become final.

7. No doubt, this Tribunal vide order dated 11.08.2023 directed UPSEIAA to dispose of the application of respondent no. 8 for EC as early as possible say within 30 days but this Tribunal did not thereby review or modify order dated 02.03.2023 in any manner and order dated 02.03.2023 will operate on its own force.

8. In view of order dated 02.03.2023, UPPCB is bound to allow respondent no. 8 to run the CBWTF till consideration of the application for grant of EC *ex-post facto* by UPSEIAA. Vide order dated 02.03.2023 UPPCB was directed to do so initially for three months but UPPCB was also directed to extend the same in case of delay in disposal of the application for grant of EC. Therefore, UPPCB is bound to extend the validity period of consents to operate till disposal of the application for grant of EC by UPSEIAA. In view of order dated 11.08.2023 UPSEIAA is bound to dispose of the application for grant of EC expeditiously. UPSEIAA and UPPCB cannot be allowed to flout the orders in the name of any vacancy or lack of infrastructure. *Prima facie* there appears to be no valid justification for any such non-compliance by these authorities with orders passed by this Tribunal which would also constitute an offence under Section 26 of the National Green Tribunal Act, 2010.

9. Let notices of both the miscellaneous applications be issued to the opposite parties.

10. List for further consideration on 30.10.2023.

11. In the mean while till further orders to the contrary respondent no. 4- UPPCB is directed to grant consents to operate to respondent no. 8 till disposal of its application for grant of EC by UPSEIAA.

12. However, nothing in this order shall debar UPPCB from taking action

against respondent no. 8-Project Proponent for environmental violations in accordance with law and principles of natural justice.

13. In view of the facts and circumstance of the case, we also consider personal appearance of the Member Secretaries, UPPCB and UPSEIAA, physically on the next date of hearing for explaining the circumstances of non-compliance with the orders passed by this Tribunal and also for assisting this Tribunal in just and proper adjudication of the questions involved in the miscellaneous applications and they are accordingly directed to remain present before this Tribunal on that date with the relevant record.

14. A copy of this order be supplied to the Member Secretaries, UPPCB and SEIAA by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 09th, 2023  
AG

Item No. 04

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

M.A No. 90/2023 & M.A No. 94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 30.10.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Ajay Bansal Advocate for Applicant in M.A. No. 90 of 2023.  
Mr. Gaurav Kumar Bansal Advocate for Applicant in M.A. No. 94 of 2023.

Respondents: Mr. Pradeep Kumar Misra Advocate for UPPCB alongwith Mr. Ajay Kumar Sharma, Member Secretary UPPCB and SEIAA. (Through VC).  
Mr. Mohit Singhal Advocate for CPCB (Through VC).  
Mr. Ajay Bansal, Advocate for Respondent No.8-Project Proponent-M/s Synergy Waste Management Pvt. Ltd.  
None for Respondents No. 1, 3, 6 and 7.

**Application under Section 18 (1) Read with Section 14 of the National Green Tribunal Act, 2010.**

**ORDER**

1. Written request has been made by Mr. Ajay Kumar Sharma, Member Secretary, UPPCB and SEIAA vide email dated 26.10.2023 for exempting him from physical appearance before this Tribunal and allowing him to appear through V.C. For the reasons mentioned in the written request, the same is allowed.

2. Mr. Gaurav Kumar Bansal, Advocate, who represented the applicant in the Original Application no. 774/2022 and also appeared as arguing counsel in

M.A No. 90/2023 and  
M.A No. 94/2023  
O.A No. 774/2022

Gaurav Garg Vs. Union of India & Ors.

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M.A. no. 94 of 2023, has informed this Tribunal that he has withdrawn from the case.

3. No other counsel has appeared on behalf for the applicant in M.A. no. 94 of 2023.

4. Mr. Ajay Kumar Sharma, Member Secretary UPPCB and SEIAA has informed that CTO has been granted to respondent no. 8 till disposal of application for grant of ex post facto EC and assured that the application for grant of ex post facto EC will be expeditiously dealt with/disposed of and seeks time for submission of further action taken report.

5. Further Action Taken Report be filed by UPPCB and UPSEIAA within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 14.02.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 30<sup>th</sup>, 2023  
N

Item No. 02 & 03

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

M.A No. 90/2023 & M.A No. 94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 14.02.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Ankit Shah, Advocate for the Applicant.

Respondents: Mr. Mohit Singhal Advocate for Respondent no.2-CPCB  
(through VC).  
Mr. Pradeep Misra and Mr. Dalip Dhyani, Advocates for  
Respondents no. 4 and 5 (through VC).  
Mr. Rahul Khurana, Proxy Counsel for Ms. Priyanka Swami,  
Advocate for UPSEIAA.  
None for Respondents No. 1, 3, 6, 7 and 8.

**Application under Section 18(1) Read with Section 14 of the National  
Green Tribunal Act, 2010.**

**ORDER**

1. Mr. Ankit Shah, Advocate who was representing the applicant earlier has submitted that he be permitted to withdraw his vakalatnama as he no longer wants to represent the applicant.

2. The request is allowed. It shall be for the applicant to appear through some other duly appointed Counsel.

3. M.A. No. 90 of 2023 was filed by respondent no.8- Project Proponent- M/s Synergy Waste Management Pvt. Ltd. for issuance of directions to

M.A No. 90/2023 and  
M.A No. 94/2023  
O.A No. 774/2022

Gaurav Garg Vs. Union of India & Ors.  
2

respondent no. 4-UPPCB to grant CTO and direction to the SEIAA, U.P. to consider its application for grant of Environmental Clearance.

4. M.A. No. 94 of 2023 was filed by the applicant alleging that respondent no. 8 is illegally operating CBMWTF without obtaining Environmental Clearance and CTO.

5. Vide order dated 30.10.2023 UPPCB and SEIAA, U.P. were directed to file further action taken reports.

6. Action taken reports have been filed by UPPCB vide email dated 11.01.2024 and by SEIAA, U.P. vide email dated 12.01.2024. Reply has also been filed by UPPCB vide email dated 11.01.2024.

7. In his report filed vide email dated 11.01.2024 the Member Secretary, UPPCB has submitted that CTO valid till the disposal of Environmental Clearance application by SEIAA, U.P. has been granted by UPPCB and the facility is currently operating its services with valid consent. The application for Environmental Clearance is under consideration before SEIAA, U.P. and the order is awaited.

8. In its report SEIAA, U.P. has mentioned that Terms of Reference for Captive Treatment Facility (But proposed Existing Common Bio-Medical Waste Treatment Facility at Subharti Medical College Campus, Subharti Puram, Meerut, U.P., Synergy Waste Management Private Limited) were granted vide SEIAA letter no. 381/Parya/SEIAA/7761/2023 dated 18.01.2024.

9. Written request for adjournment has been made on behalf of Learned Counsel for SEIAA, U.P. on the ground of some personal difficulty. Learned Counsel for UPPCB also seeks time to file further action taken report.

M.A No. 90/2023 and  
M.A No. 94/2023  
O.A No. 774/2022

Gaurav Garg Vs. Union of India & Ors.  
3

10. Further action taken reports be filed by SEIAA, U.P. and UPPCB within three months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. List for further consideration on 09.05.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 14<sup>th</sup>, 2024  
N

Item Nos.09 and 10

Court No. 2

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

Miscellaneous Application No.90/2023  
(IA No. 165/2022)

IN

Original Application No.774/2022

AND

Miscellaneous Application No.94/2023

IN

Original Application No.774/2022

Gaurav Garg

Applicant

Versus

Union of India

Respondent

Date of hearing: 11.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): None

Respondent(s): Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for  
UPPCB

**ORDER**

1. Status of grant of EC to project proponent is not on record. Neither anybody representing SEIAA has appeared nor any Counsel on its behalf has appeared. In these circumstances, we direct Member Secretary SEIAA, UP to appear in person on the next date.

23  
531

2. Registry is directed to communicate this order to Member Secretary, SEIAA for compliance.

3. List on 23.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 11, 2024  
Miscellaneous Application No. 90 & 94/2023  
M

Item Nos. 05&06

Court No. 2

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

MA No. 90/2023  
In  
Original Application No. 774/2022

**WITH**

M.A. No.94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB  
Ms. Priyanka Swami, Mr. Shlok Mittal, Ms. Simran Sehgal Advocates for  
SEIAA with Mr. Sanjeev K M Singh Member Secretary, SEIAA  
Mr. Mohit Singhal, Advocate for CPCB (through VC)

**ORDER**

1. Pursuant to order dated 11.09.2024, Shri Sanjeev Kumar Singh, Member Secretary, SEIAA, UP is present. He has stated that since Proponent has not submitted any reply, therefore, no final order could have been passed.

2. We fail to understand as to why final order on the part of SEIAA is dependent upon the response of Proponent. We could not find any reason as to why SEIAA, UP could not have passed any final order, though judgment of Tribunal was delivered on 02.03.2023 and more than one and a half year has passed.

3. On account of inaction of SEIAA, UP, Proponent is able to function its facility without any EC and in utter violation of provisions of Environment Impact Assessment Notification dated 14.09.2006 as amended from time to time. This is nothing but an *ex-facie* violation of environmental laws and permitting a proponent to continue to function in a wholly illegal manner merely because of inaction on the part of SEIAA, UP in passing a final order in the matter.

4. At this stage, Learned Counsel for SEIAA, UP has requested that as a last opportunity, one month time may be granted within which SEIAA, UP may pass final order.

5. Let it be done within one month and a compliance report be submitted by 25.10.2024.

6. List on 25.10.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 23, 2024  
MA No. 90/2023 & M.A. No.94/2023  
SN

Item No. 12 & 13

Court No. 2

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

MA No. 90/2023  
In  
Original Application No. 774/2022

WITH

M.A. No.94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

Union of India

Respondent(s)

Date of hearing: 14.11.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None  
Respondents: Ms. Priyanka Swami and Ms. Simran, Advocates for SEIAA, UP  
Mr. Pradeep Misra, Advocate for UPPCB (through VC)  
Mr. Mohit Singhal, Advocate for CPCB (through VC)  
Mr. Manoj Kumar, PRO for Project Proponent.

**ORDER**

1. Pursuant to order dated 23.09.2024, on the question of passing final order on the issue of Environmental Clearance (hereinafter referred to as 'EC') to respondent 8, a compliance report has been filed by State Level Environment Impact Assessment Authority, Uttar Pradesh (hereinafter referred to as 'SEIAA UP') through its Counsel along with an affidavit dated 23.10.2024. It is said that in the minutes of 846<sup>th</sup> SEIAA meeting dated 18.10.2024, recommendation has been made to grant Terms of Reference for Common Bio-Medical Water Treatment Facility (hereinafter referred to as 'CBWTF') by adding certain conditions. Copy of the minutes of the above

meeting has been placed on record as annexure 2 at page 558 which shows that such document has been signed only by Member Secretary, SEIAA UP and not by Chairman, SEIAA UP and Member SEIAA. It is strange that minutes of the meeting unsigned by Chairman and Member have been placed on record and Learned Counsel could not explain any reason for the discrepancy.

2. Let Chairman, SEIAA UP, Member Secretary, SEIAA UP and Member, SEIAA UP appear before Tribunal on the next date to explain as to how minutes of the meeting have been placed before Tribunal without signatures of Chairman, SEIAA UP and Member, SEIAA UP.

3. Further, we find from the record that vide judgment dated 02.03.2023, this Tribunal allowed respondent 8 to continue to operate its CBWTF provided it submits an application within one month before Competent Authority for grant of EC and Uttar Pradesh Pollution Control Board was permitted to grant Consent to Operate for three months so that within three months, submission of application and decision of SEIAA UP may be completed.

4. Today, Learned Counsel appearing for SEIAA UP stated that no further application of project proponent is pending. In other words, it is said that no application for grant of EC was ever submitted by project proponent.

5. Shri Manoj Kumar, Public Relation Officer, of respondent 8 is also present in person and admitted that no application for grant of EC was submitted.

6. Thus, it is evident that order dated 02.03.2023 has not been complied with, yet respondent 8 is operating CBWTF without submitting

any application within one month for grant of EC and in all subsequent date, an impression was given to us that the application for grant of EC is pending which has been submitted in compliance of the order of Tribunal dated 02.03.2023. The said stand taken in the earlier proceedings was nothing but a clear misrepresentation of the fact.

7. In these circumstances, we restrain respondent 8 from operating its CBWTF until further orders.

8. List this matter on 06.12.2024.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 14, 2024  
MA No. 90/2023 &  
M.A. No.94/2023 in  
O.A. No. 774/2022  
HB

Item Nos. 03 & 04

Court No. 2

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

M.A. No. 90/2023  
In  
Original Application No. 774/2022  
(I.A. No. 629/2024)

With

M.A. No. 94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

UOI & Ors.

Respondent(s)

Date of hearing: 06.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Ms. Priyanka Swami and Ms. Simran, Advocates for SEIAA, UP with Ms. Mamta S Dubey, Chairman (through VC), Mr. Ajay Sharma, Member Secretary, Mr. Paras Nath, Member, SEIAA and Mr. Anurag Yadav, Deputy Director, SEIAA  
Mr. Daleep Dhyani, Advocate for UPPCB  
Mr. Mohit Singhal, Advocate for CPCB (through VC)  
Mr. Sandeep Sharma, Advocate for Project Proponent.

**ORDER**

1. We are informed by Learned Counsel for respondent 8 that against the order dated 14.11.2024 it has filed Civil Appeal Nos. 13682-13683-2024 in Supreme Court which have been dismissed today itself by Supreme Court.

2. Applicant has filed an additional document vide email dated 02.12.2024 complaining that despite restraint order passed by Tribunal on 14.11.2024, respondent 8 is still operating in the area in question and

collecting and transporting bio-medical waste from respective health care facilities. This fact could not be disputed by Learned Counsel appearing for UPPCB that respondent 8 has been allowed to collect and transport bio-medical waste in the area in question. This is a serious issue and non-compliance of Tribunal's order dated 14.11.2024. It is more surprising that officers of UPPCB knowing it well that a restraint order has been passed, yet have allowed respondent 8 to operate in the area in question by collecting and transporting bio-medical waste from respective health care facilities, though, it should not have been allowed to do so.

3. Defiance and non-compliance of Tribunal's order is an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as **NGT Act, 2010**). Thus, we direct Chairman and Member Secretary, UPPCB to look into this aspect and take appropriate action against the concerned official and this action shall be monitored and supervised by Chief Secretary, State of UP.

4. Learned Counsel appearing for respondent 8 stated that application for grant of EC in Form-1 was submitted by respondent 8 within time as directed by Tribunal's judgment dated 02.03.2023 but this fact is disputed by Learned Counsel appearing for SEIAA, UP.

5. Let original record in this regard be produced before Tribunal by SEIAA, UP on the next date.

6. Personal appearance of Chairman and Member Secretary, SEIAA UP is dispensed with for the time being but they shall ensure that record is made available for perusal of Tribunal through an officer who is well conversant with the matter.

7. With regard to discrepancy of signatures in the minutes of the resolution dated 18.10. 2024, no explanation has been placed before us and Learned Counsel appearing for SEIAA, UP stated that she will produce record in this regard on the next date. In the circumstance, we are adjourning the matter for today.

8. A copy of this order be forwarded to Chief Secretary, State of UP; Chairman; Member Secretary, SEIAA, UP; Chairman; and Member Secretary, UPPCB by email for compliance.

9. List on 18.12.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 06, 2024  
M.A. No. 90/2023 & M.A. No. 94/202  
JG.

Items No. 06 & 07

Court No. 2

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

Misc Application in Disposed of Cases No. 90/2023  
In  
Original Application No. 774/2022  
( IA NO 677/2024, IA NO 672/2024 & IA NO 629/2024 )

Gaurav Garg

Applicant

Versus

Union of India & Ors.

Respondents

**WITH**

Misc Application in Disposed of Cases No. 94/2023  
In  
Original Application No. 774/2022

Gaurav Garg

Applicant

Versus

Union of India & Ors.

Respondents

Date of hearing: 18.12.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the Applicant

Respondents: Ms. Priyanka Swami, Advocate for SEIAA, U.P.  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocate for UPPCB-  
Applicant in I.A. No. 677of 2024 (through VC).  
Mr. Mohit Singhal, Advocate for CPCB.  
Mr. Sunny Chaudhary and Mr. Sandeep Sharma, Advocates for  
Project Proponent-Applicant in I.A. No. 672 of 2024.

**ORDER**

1. The applicant filed O.A. No. 774 of 2022 complaining about running of CBWTF by Respondent No. 8 without Environmental Clearance (EC) and in violation of environmental norms.

2. The above said O.A. was disposed of by this Tribunal vide order dated 02.03.2023. The relevant part of the order reads as under:-

*“67. In these facts and circumstances of the case the application is disposed of with the directions to the Respondent No.8 to apply for EC within one month from the date of receipt of a copy of this order and (iii) to the UPPCB to allow the Respondent No.8 to run the CBWTF for at least three months till filing of the application and consideration of the same for grant of EC ex post facto, subject to extension in case of delay in disposal of the application for grant of EC.*

*68. The Questions raised by the applicant and enlisted by this Tribunal in the present order are answered in terms of the above discussion.*

*69. In view of peculiar facts and circumstances of the case the parties are left to bear their own costs.*

*70. In case of any further delay in disposal of the application for grant of EC the Respondent No. 8-Project Proponent may apply to UPPCB for extension of the validity period of consents to operate and may also move this Tribunal by appropriate proceedings for such extension.*

*71. The Applicant shall also be at liberty to move this Tribunal by appropriate proceedings in case of violation of the BMWM Rules 2016, the CBWTF Guidelines 2016 EC/Consent Conditions and environmental norms.”*

3. Alleging non-compliance of said order, M.A. No. 90/2023 was filed by the Project Proponent and M.A. No. 94/2023 was filed by the applicant.

4. In the course of hearing on 14.11.2024, this Tribunal was informed that the Project Proponent applied for Terms of Reference which was granted and thereafter the Project Proponent did not submit any further documents and that the Project Proponent did not apply for Environmental

Clearance on which this Tribunal passed order staying operation of the CBWTF. Relevant part of the order reads as under:-

*“6. Thus, it is evident that order dated 02.03.2023 has not been complied with, yet respondent 8 is operating CBWTF without submitting any application within one month for grant of EC and in all subsequent date, an impression was given to us that the application for grant of EC is pending which has been submitted in compliance of the order of Tribunal dated 02.03.2023. The said stand taken in the earlier proceedings was nothing but a clear misrepresentation of the fact.*

*7. In these circumstances, we restrain respondent 8 from operating its CBWTF until further orders.”*

5. The Project Proponent filed **Civil Appeal Nos. 13682-13683-2024, Synergy Waste Management Private Limited versus Union of India and others** before Hon'ble Supreme Court which was dismissed vide order dated 06.12.2024 with liberty to the Project Proponent to file an application for vacating interim order and this Tribunal was directed to consider the same on own merits without being influenced by what is recorded in order dated 14.11.2024. The Relevant part of the order reads as under:-

*“ The impugned order is an interim order. The appellant can always apply for vacating the said order by filing an application before the National Green Tribunal.*

*We accordingly dispose of the appeals by granting liberty as aforesaid. If an application for vacating interim order is made, the same shall be considered on its own merits without being influenced by what is recorded in the impugned order.*

*The Appeals are accordingly dismissed.*

*Pending application(s), if any, shall stand disposed of.”*

6. The Project Proponent has filed I.A No. 672/2024 for modification of order dated 14.11.2024 on the ground that in compliance of order dated 02.03.2024, the Project Proponent initiated the process to obtain EC within prescribed time limit in prescribed Form-I along with feasibility report

which is now pending at the stage of EIA report to be prepared by the Consultant in terms of Notification dated 14.09.2006. The Project Proponent has accordingly prayed for allowing the Project Proponent to operate the CBWTF.

7. UPPCB has filed IA No. 677/ 2024 for modification of paras no. 2 and 3 of order dated 06.12.2024 on the grounds that in view of order dated 14.11.2024, the Project Proponent entered into Memorandum of Understanding with three CBWTFs of Mathura, Bareilly and Barabanki for treatment and disposal of bio-medical waste generated from the healthcare facilities attached to the Project Proponent and the Project Proponent sent letter dated 21.11.2024 to UPPCB that they have complied with order dated 14.11.2024. UPPCB issued order dated 29.11.2024 that consent granted to it vide order dated 16.10.2023 is suspended till further orders and bio-medical waste generated from all health care facilities attached to it be disposed of through CBWTF according to Bio-medical Waste Management Rules, 2016. The incinerator of CBWTF facility was sealed on 29.11.2024 after closure of the facility of the Project Proponent. The Project Proponent made arrangement for collection and transportation of bio-medical waste generated from healthcare facilities to other bio-medical waste treatment facilities at Mathura, Bareilly and Barabanki. Action taken by UPPCB is in consonance with the Bio-medical Guidelines issued by CPCB and the decision was taken *bona fide* and in good faith. Therefore, Paragraphs No. 2 and 3 of Order dated 06.12.2024 be modified to that extent.

8. On notice of both the above mentioned I.As. being given to the other Counsel for the parties appearing in the case, it has been stated that no replies to both the I.As. are to be filed.

9. We have heard learned counsels for the Respondents and have gone through the relevant record carefully.

10. In exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government directed vide Notification no. S.O. 1533 (E) dated 14.09.2006 that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified in the notification.

11. The schedule to the notification contains the list of projects and activities requiring prior environmental clearance. Para 7 of the Notification mentions four stages in prior environmental clearance process i.e., (i.) Screening, (ii.) Scoping, (iii.) Public Consultation and (iv.) Appraisal. Application for prior environmental clearance is required to be submitted in Form I which has four parts i.e., (i) Basic Information, (ii) Activity, (iii) Environmental Sensitivity, (iv) Proposed Terms of Reference for EIA Studies. Appendix III provides Generic Structure of Environmental Impact Assessment document. Appendix III A requires a summary of the full EIA Report with contents as mentioned therein. Appendix IV prescribes the

procedure for conduct of public hearing. Appendix V prescribes the procedure for appraisal.

12. This Tribunal considered the matter on 14.11.2024 and noted that Uttar Pradesh State Environment Impact Assessment Authority (UPSEIAA) filed compliance report with affidavit dated 23.10.2024 in which reference was made to Minutes of 846<sup>th</sup> UPSEIAA meeting dated 18.10.2024 whereby recommendation was made to grant terms of reference for CBWTF by adding certain conditions. Learned Counsel appearing for UPSEIAA stated that no further application of Project Proponent was pending giving rise to the impression that no application for grant of EC was ever submitted by the Project Proponent. The Public Relation Officer of the Project Proponent also admitted that no application for grant of EC was submitted. Thereupon this Tribunal observed that order dated 02.03.2023 had not been complied with yet the Project Proponent was operating CBWTF without submitting any application within one month for grant of EC and on all subsequent dates an impression was given that application for grant of EC was pending which had been submitted in compliance of order dated 03.03.2023 and this stand taken in the earlier proceeding was nothing but a clear misrepresentation of the fact.

13. In the course of hearing today, we put a question to learned counsel for UPSEIAA as to whether the applicant had applied for EC in accordance with EIA Notification dated 14.09.2006 and whether application for ToR was the only process for submission of application for EC to UPSEIAA or whether separate Forms were prescribed for making application for EC and application for ToR.

14. Learned counsel for UPSEIAA assisted by Mr. Anurag Yadav, Deputy Director, Directorate of Environment, Uttar Pradesh has submitted that

application in Form-I was submitted within 30 days at the scoping stage for ToR and after grant of ToR on 21.10.2024 another application is to be submitted with EIA report within 90 days.

15. It may be observed here that in the present case, as per report filed by the Member Secretary, UPSEIAA vide email dated 27.10.2023, the Project Proponent submitted application in Form-I for ToR on 01.04.2023 within 30 days from order dated 02.03.2023.

16. On the above said application ToR was granted which was last amended on 21.10.2024. As per information given by learned Counsel for UPSEIAA, the Project Proponent is to submit application with EIA report within 90 days which period is yet to expire and till date there is no default on the part of the Project Proponent. Since permitted period is yet to expire, application for EC submitted by the Project Proponent has to be treated as pending at next stage of submission of EIA report and cannot be said to have been disposed of and statement made by learned Counsel for UPSEIAA that no application is pending with UPSEIAA cannot be said to be correct statement of the factual position. Since EIA notification dated 14.09.2006 provides for submission of application for grant of EC in Form I and there is no other Form, the statement of Public Relation Officer of the Project Proponent that no application had been submitted for EC was not correct statement of the factual position.

17. It is thus evident that the factual position presented to this Tribunal on 14.11.2024 suffered from misrepresentation of facts.

18. In any case as per direction given by Hon'ble Supreme Court I.A. filed by the Project Proponent is to be considered on its own merit without being influenced by order dated 14.11.2024.

19. In view of the factual position that the Project Proponent submitted application for grant of EC in Form-I on 01.04.2023 within 30 days from order dated 02.03.2023 for ToR whereupon ToR was granted which was last amended on 21.10.2024 and the Project Proponent has to submit EIA report within period of 90 days and the Project Proponent cannot be said to be in default, the application for grant of EC has to be treated as pending and cannot be said to have been disposed of. In view of deemed pendency of the above said application for grant of EC the Project Proponent is entitled to operate CBWTF till disposal of its application for EC by UPSEIAA.

20. It follows from above discussion that submissions made by learned Counsel for UPSEIAA and admission made by the Public Relation Officer of the Project Proponent on 14.11.2024 amounted to mis-representation of facts as application submitted in Form I for grant of **terms of reference** was in fact the application for grant of **prior environmental clearance** and there was no separate Forms for submission of application for grant of **prior environmental clearance** and submission of application for grant of **terms of reference**. Consequently, order dated 14.11.2024 has been passed by this Tribunal on misrepresentation of facts and order dated 14.11.2024 requires modification to that extent.

21. In view of the above discussed factual position and order dated 02.03.2023 passed by this Tribunal, the Project Proponent is entitled to operate CBWTF till disposal of its application for EC by UPSEIAA. Consequently, I.A No. 672/2024 filed by the Project Proponent is allowed and the Project Proponent is allowed to operate CBWTF till disposal of its application for EC by UPSEIAA.

22. So far as I.A No. 677/2024 filed by UPPCB is concerned, it may be observed that vide order dated 09.10.2023, this Tribunal directed UPPCB to grant Consent to Operate to the Project Proponent till disposal of its application for grant of EC by UPSEIAA till further orders to the contrary. UPPCB granted Consent to Operate to the Project Proponent till disposal of its application for grant of EC by UPSEIAA. Said Consent to Operate was suspended by UPPCB on 29.11.2024 in view of order dated 14.11.2024 passed by this Tribunal. In view of our order here-in-above whereby I.A. No. 672/2024 has been allowed and the Project Proponent is allowed to operate CBWTF till disposal of its application for EC by UPSEIAA, order dated 14.11.2024 and subsequent order dated 06.12.2024 based thereupon do not survive and stand modified with consequent modification of para no. 2 and 3 of order dated 06.12.2024 to that extent and **I.A. No.677/2024** filed by UPPCB is disposed of accordingly.

23. However, in the present case two significant questions arise as to (i) whether UPPCB can grant expansion of scope of activities of a CBWTF without EC from UPSEIAA and (ii) whether in case of closure of a CBWTF, alternative arrangement for management of common bio-medical waste is to be made by UPPCB or by the concerned Project Proponent against whom closure order is passed.

24. Before passing any further order in respect of these two questions, we grant opportunity to the parties including UPPCB and the Project Proponent to make submissions in this regard.

25. I.A. No. 629/2024 was filed for exemption of the Chairman of UPSEIAA from personal appearance. Vide order dated 06.12.2024, personal appearance of Chairman, UPSEIAA and Member Secretary, UPSEIAA was dispensed with and the application stood disposed of

accordingly but the application has been listed today again as it was not so specifically mentioned in order dated 06.12.2024. **I.A No.629/2024** be treated to have been disposed of vide order dated 06.12.2024 whereby Chairman and Member Secretary, UPSEIAA were granted exemption from personal appearance.

26. List on 10.01.2025 for further consideration.

27. Responses by the parties including UPPCB and the Project Proponent with reference to the questions mentioned above be filed at least one week before the date of hearing.

28. A copy of this order be sent to the applicant, the Project Proponent, the Member Secretary, UPSEIAA and the Member Secretary, UPPCB for information/compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 18, 2024  
M.A in Disposed of Cases No. 90/2023  
In Original Application No. 774/2022  
(IA NO 677/2024, IA NO 672/2024, IA NO 629/2024)  
& connected matter.

Item Nos. 04 & 05

Court No. 2

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

Misc Application in Disposed of Cases No. 90/2023  
In  
Original Application No. 774/2022

Gaurav Garg Applicant

Versus

Union of India & Ors. Respondents

**WITH**

Misc Application in Disposed of Cases No. 94/2023  
In  
Original Application No. 774/2022

Gaurav Garg Applicant

Versus

Union of India & Ors. Respondents

Date of hearing: 05.05.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the Applicant.

Respondents: Mr. Mohit Singhal, Advocate for respondent no. 2 (through VC).  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for respondents no.  
4 and 5 (through VC).  
Mr. Sunny Choudhary, Advocate for respondent no. 8 (through VC).  
Ms. Priyanka Swami, Advocate for State of U.P. & SEIAA.  
None for respondents no. 1, 3, 6 and 7.

**ORDER**

1. Affidavit dated 30.04.2025 has been filed by SEIAA, U.P. In the affidavit it has been mentioned that SEIAA, U.P. granted EC dated

31.03.2025 to respondent no. 8. Copy of EC dated 31.03.2025 has been enclosed with the affidavit.

2. We have gone through EC and we find that area of operation of respondent no. 8 has not been mentioned in EC dated 31.03.2025.

3. SEIAA, U.P. is directed to file additional affidavit with respect to the area of operation of respondent no. 8.

4. The additional affidavit be filed by SEIAA, U.P. at least one day before the date of hearing fixed.

5. List on 21.05.2025 for further consideration.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 05<sup>th</sup>, 2025  
M.A in Disposed of Cases No. 90/2023  
In Original Application No. 774/2022  
With M.A in in Disposed of Cases No. 94/2023  
In Original Application No. 774/2022

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

552

44

Appeal /CA-NO.

35

of 2025

In re:

Sachin Kumar Balyan

Plaintiff /Appellants/  
Petitioner/Complainant

VERSUS

U.P.S EIAA

Defendant/Respondent/  
Accused

KNOW ALL to whom these present shall come that I/We  
Under Signed the above named

do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case & authorize :-

Mr. Pradeep Misra, Mr. Daleep Dhyani, Advocates,  
138, New Lawyers Chamber, Supreme Court of India,  
New Delhi, Ph. :011-23070011, Mob. 9810252518, 9811070721

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on my/our behalf.

AND I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

AND I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

AND I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

AND I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I/we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 13 day of 02 2025

Accepted subject to the terms of fees.

(PRADEEP MISRA)(DALEEP DHYANI)  
Advocate Advocate (D/433/01)

Client  
Anuj Kumar Chaubey  
Law Officer-I  
U.P. Pollution Control Board  
Lucknow

