

Action Taken Report As per

Hon'ble National Green Tribunal

(Order dated 06 April 2023)

IN THE MATTER OF

Anil Mehta V/s State of Rajasthan & Ors.

In Original Application

No. 102/2022

Location- Udaipur (Rajasthan)

25

➤ **Background:-**

An application was filed by Shri Anil Mehta in Central Zone Bench, Bhopal and same was accepted By NGT as O.A. No. 102/2022.

Hon'ble NGT passed an order on 06.01.2023 and constituted as Joint Committee consisting of:-

1. One representative from MOEF & CC.
2. One representative from Secretary, Environment, Rajasthan.
3. Collector, Udaipur, Rajasthan.
4. One representative from Rajasthan State Wetland Authority.
5. One representative from Udaipur Municipal Corporation.
6. One representative from Rajasthan State Pollution Control Board.

The joint committee had submitted factual and action taken report & same was considered by Hon'ble NGT in hearing dated 06.04.2023; interalia reproduced as follows: -

“ We have gone through the contents of the Joint Committee report submitted by five senior expert officers. A copy of the report be provided to the Collector / Municipal Corporation with a direction to enforce the recommendations of the committee upto the strength of the applicability and if there is any grievances Collector & Municipal Corporation have to file their replies/response on those points”. Action taken report may be filed before the next date of listing.

In this context the details of the actions taken on the recommendation of joint committee is as under:-

Recommen- dation no. of Joint Committe e report dated 09.02.2023	Joint committee recommendation	Action taken by RSPCB
1.	So it is evident that he CPCB has itself mentioned that the limitation of noise rules with respect to loud speakers and it is the need of the hour that specific guidelines be framed for same specifically mentioning the duration of noise pollution monitoring to be carried out in such circumstances. It is also submitted that operation of loudspeakers,	No action required at District Level. Action may be taken at CPCB level. Therefore, Regional Officer RSPCB, Udaipur was directed to issued a request letter to Regional Director, Central Pollution Control Board, Bhopal vide letter no. 227 dated

	<p>bursting of fire-crackers, blowing of horns etc. all are having noise level much more than the prescribed limit in day period and therefore, the ambient noise standard are bound to increase in such circumstances and CPCB should develop a special protocol for dealing with complaints of bursting of fire-crackers, barat processions, horns and loudspeakers which shall be mandatory to follow and shall be followed. CPCB should also take up a study of a model city which is free from noise pollution and recommend measures to be incorporated here too and should also give the comment regarding measurement of noise pollution from a point source eliminating other such sources.</p>	<p>12.05.2023. (Copy enclosed as annexure-I)</p>
<p>2.</p>	<p>Public grievance lodging App to control the menace of pollution due to Noise in the country may be prepared by CPCB with the provisions of following steps:-</p> <ul style="list-style-type: none"> (i) Complaint lodging facility with uploading facility of video/GPS tagged photographs for the general complainant. (ii) The complaint to be automatically transferred to concerning area SHO. (iii) SHO mark complaint to concerning Beat Constable. (iv) Beat constable equipped with Noise Level Meter approach the location and measure the Noise. (v) If complaint found correct on site fine based on CPCB report scale of compensation for violation of Noise Rules as mentioned (Copy enclosed) in Original Application No. 681/2018 may be imposed with challan and uploaded on the same app marking disposal of complaint. (vi) The complainant may also receive copy of challan and complaint will be closed. 	<p>No action required at District Level. Action may be taken at CPCB level. Therefore, Regional Officer RSPCB, Udaipur was directed to issued a request letter to Regional Director, Central Pollution Control Board, Bhopal vide letter no. 227 dated 12.05.2023. (Copy enclosed as annexure-I)</p>

3.	All the lake side hotels at Fatehsagar/Ambavgarh should be install a continuous ambient noise level meter with the consultation of RSPCB connected by online CCTV to the above app so that the information of noise level is in the public domain and the authority can check the levels as mentioned in the app at point no. 1 above.	Regional Officer RSPCB, Udaipur was directed to issued necessary directions to Hotels situated near lakes. In compliance of direction RSPCB has issued letters to 31 Hotels situated near lakes regarding compliance vide this office letter no. RPCB/ ROU/UDR/Hotel-353/126/1-29 dated 21.04.2023 (Copy of letter and list of hotels enclosed as annexure-II).
4.	All the hotels should install a display board depicting the ill effect of noise pollution and certifying that they do not increase the sound levels beyond permissible standards at their main gate.	Regional Officer RSPCB, Udaipur was directed to issued necessary directions to Hotels situated near lakes. In compliance of direction RSPCB has issued letters to 31 Hotels situated near lakes regarding compliance vide this office letter no. RPCB/ ROU/UDR/Hotel-353/126/1-29 dated 21.04.2023 (Copy of letter and list of hotels enclosed as annexure-II).
5.	The Municipal authorities/ UIT should install display boards in their areas indicating ill effect of noise pollution near Lakes of Udaipur in ESZ.	Regional Officer RSPCB, Udaipur directed to issue letter to Municipal Commissioner regarding compliance. In compliance letter has been issued to Municipal Commissioner regarding compliance. (Copy enclosed as annexure-III)
6.	The Municipal authorities should complete the work of notifying area into commercial residential and silence zone so that applicability of noise level standards can be ensured. In this regard, the Municipal Commissioner Udaipur has asked the Director ULB to appoint a technical consultant through the process of tender and the work is under process.	Regional Officer RSPCB, Udaipur was directed to issued letter to Municipal Commissioner regarding compliance. In compliance letter has been issued to Municipal Commissioner regarding compliance. (Copy enclosed as annexure-III)
7.	Every Police Thana shall be equipped with Noise Level Meter. It need be mentioned	Regional Officer RSPCB, Udaipur was directed to issued letter to

	here that it was found by joint committee towards noise level meter reading and the officials carrying out monitoring should also take into account the above fact as the noise level meter measures a sum total noise present at any location from all sources.	Superintendent of Police. In compliance letter has been issued to Superintendent of Police regarding compliance vide this office letter no. RPCB/ ROU/Legal-77/222 dated 11.05.2023. (Copy enclosed as annexure-IV)
8.	Mobile DJ music systems/operating on four wheelers vehicles with Barat procession/religious procession to be banned and the ban to be enforced by Police/ RTO.	RSPCB has identified two vehicles those operating Mobile DJ music system on four wheelers and letter has been issued vide this office letter no. RPCB/ROU/ Legal-77/ 196 dated 04.05.2023 to Regional Transport officer for cancelation of registration and seizure of these two vehicles and all such vehicles equipped with mobile DJ music system/ operating on four wheelers. (Copy enclosed as annexure-V)
9.	<p>In Eco sensitive zone of Sajjangarh Wild Life Sanctuary as wild animals are living there following activities shall be strictly prohibited:-</p> <p>(a.) Prohibition for DJ sound system in marriage procession.</p> <p>(b.) Bursting of fire crackers.</p> <p>(c.) Hotels/ not allowed to play music in open area i.e. Garden. They shall ensure play music in sound proof/ acoustic halls.</p> <p>(d.) Dhol, Nagadas, tum-tum etc. should also be prohibited in hotels/ marriage gardens in open.</p> <p>(e.) Use of Laser light/ Spot light.</p> <p>(f.) Marriage gardens with halls shall be allowed if music is played in enclosed halls. If there is no facility of hall then the same be closed.</p>	<p><i>Necessary directions issued to RSPCB and RSPCB has issued directions to 31 Hotels situated near lakes regarding compliance vide this office letter no. RPCB/ROU/UDR/Hotel-353/126/1-29 dated 21.04.2023. (Copy of letter and list of hotels enclosed as annexure-I). After issuance of letter United Hoteliers of Udaipur (Society) has submitted a representation (Copy enclosed as annexure-VI) and some key features is as under: -</i></p> <ol style="list-style-type: none"> <i>1. They shall not allow the use of mobile DJ music system operating on four wheelers vehicle with Barat or religious processions within hotel premises.</i> <i>2. They will install display boards at the main gate outlining the ill effect of noise pollution and</i>

		<p><i>certifying that sound level do not exceed permissible standards.</i></p> <ol style="list-style-type: none"><i>3. They committed to install continuous ambient noise level meters within our premises and ensuring regular monitoring of noise levels.</i><i>4. They committed to play sound within prescribed limits as per law.</i><i>5. For the Sajjangarh ESZ area, we request a reconsideration of the prohibition on Dhol, Nagada and Tum- tum. We suggest that these traditional instruments should be allowed, provided the sound generated is within prescribed limits. These instruments are an integral part of our cultural heritage and traditions, and their responsible use should be permitted. As this also provides livelihood to the underprivileged artists, performers and their families.</i><i>6. Also, that some leverage be given in the enforcement of these regulations, considering the ambient sound levels around their properties. Vehicular traffic, human movement, and other factors beyond our control contribute to increase in noise levels. We kindly request that these external factors be taken into account while assessing their compliance with the noise regulations.</i><i>7. In light of recent Honorable Supreme Court decision on Writ</i>
--	--	--

		<i>Petition (Civil) No. 202 of 1995 in Godavarman Thirumulpad vs Union of India on 26 th April 2023 (para no. 57). We request that specific ESZ regulations should not be imposed until new ESZ regulations are redefined by the Ministry of Environment, Forest and Climate Change (MoEF).</i>
10.	CCTV cameras be installed all around the periphery of Fatehsagar Lake and in the eco sensitive zone at strategic places.	Necessary direction are being issued to Municipal/ UIT authorities at the earliest.

Prayer: -

1. For compliance of point no.1 & 2 recommendation of joint committee report dated 09.02.2023, directions may also be issued by Hon'ble National Green Tribunal to Central Pollution Control Board for compliance.
2. Looking to the fact that Hotels are committed for installation of noise level meters and shall ensure compliance of the Noise level standards in prescribed areas, the prohibition of Dhol, Nagada can be relaxed in the Eco Sensitive Zone as the Noise Level meters readings can be checked and action taken if the results exceeds the permissible limits.

Encl.:- As above

Yours Faithfully,



(Tara Chand Meena)

District Collector, Udaipur



Regional office

Rajasthan State Pollution Control Board

Address: F-470, Near UCCI Building, M.I.A, Udaipur (Raj.)

Email : rorpcbudaipur@gmail.com

No. RPCB/ROU/ Legal- 77/ 227

Date:- 12/05/23

Regional Director
Central Pollution Control Board
Regional Directorate (Central)
Parivesh Bhawan, Paryavaran Parisar
E-5, Arera Colony, Bhopal - 462016
(Email- cpcb.bhopal@gov.in)

Sub:- Regarding compliance of Joint Committee report submitted in O.A. No.102/2022, Anil Mehta V/s State of Rajasthan & Ors. (Available on Hon'ble NGT website at <https://greentribunal.gov.in/news-update>).

Ref:- (i) Direction of Hon'ble National Green Tribunal, Central Zone, Bhopal in the matter of Anil Mehta V/s State of Rajasthan & Ors., O.A. No. 102/2022 issued vide order sheet dated 06.04.2023. (Copy enclosed as annexure-I)

Sir,

With reference to above an application was filed by Anil Mehta in Central Zone Bench, Bhopal and same was accepted By NGT O.A. No. 102/2022. Hon'ble NGT passed an order on 06.01.2023 and constituted as Joint Committee. The joint committee had submitted factual and action taken report & same was considered by Hon'ble NGT in hearing dated 06.04.2023; interalia reproduced as follows:-

"We have gone through the contents of the Joint Committee report submitted by five senior expert officers. A copy of the report be provided to the Collector / Municipal Corporation with a direction to enforce the recommendations of the committee upto the strength of the applicability and if there is any grievances Collector & Municipal Corporation have to file their replies/response on those points".

1. And as per the recommendation no. 1 of joint committee report *"So it is evident that he CPCB has itself mentioned that the limitation of noise rules with respect to loud speakers and it is the need of the hour that specific guidelines be framed for same specifically mentioning the duration of noise pollution monitoring to be carried out in such circumstances. It is also submitted that operation of loudspeakers, bursting of fire-crackers, blowing of horns etc all are having noise level much more than the prescribed limit in day period and therefore, the ambient noise standard are bound to increase in such circumstances and CPCB should develop a special protocol for dealing with complaints of bursting of fire-crackers, barat processions, horns and loudspeakers which shall be mandatory to follow and shall be followed. CPCB should also take up a study of a model city which is free from noise pollution and recommend measures to be incorporated here too and should also give the comment regarding measurement of noise pollution from a point source eliminating other such sources."* and further in recommendation no. 2 *"Public grievance lodging App to control the menace of pollution due to Noise in the country may be prepared by CPCB with the provisions of following steps:-*

- (i) Complaint lodging facility with uploading facility of video/GPS tagged photographs for the general complainant.
- (ii) The complaint to be automatically transferred to concerning area SHO.
- (iii) SHO mark complaint to concerning Beat Constable.
- (iv) Beat constable equipped with Noise Level Meter approach the location and measure the Noise.
- (v) If complaint found correct on site fine based on GPCB report scale of compensation for violation of Noise Rules as mentioned (Copy enclosed) in Original Application No. 681/2018 may be imposed with challan and uploaded on the same app marking disposal of complaint.
- (vi) The complainant may also receive copy of challan and complaint will be closed.

Therefore, it is requested to take action as above as per joint committee recommendation no. 1 & 2 or forward the matter to concerning official. So that compliance in this matter shall be submitted to Hon'ble NGT as envisaged.

Encl.:- As above

Yours Faithfully,

(Sharad Saksena)

Regional Officer &
Nodal Officer of case

Copy to:-

1. The District Collector, Udaipur for information please.

Regional Officer



Regional office

Rajasthan State Pollution Control Board

Address: F-470, Near UCCL Building, M.L.A, Udaipur (Raj.)

Email: rorpcbudaipur@gmail.com Phone no: 0294 2491269

No.: RPCB/RO U/UDR/Hotel 353/126/1 29

Dated: 21.04.2023

Incharge,
All Hotels,
Udaipur

Sub:- Regarding implementation of the recommendations of the committee formed in the case of
OA No. 102/2022(CZ) Anil Mehta V/s State of Rajasthan & Others.

Ref:- Order of NGT in the above case dated 06-04-2023.

Sir,

With reference to above referred order, NGT directed to enforce the recommendations of the committee formed in the case of OA No. 102/2022(CZ) Anil Mehta V/s State of Rajasthan & Others. The recommendations of the committee are as follows:-

1. All the lake side hotels at Fatehsagar/Ambavgarh should install a continuous ambient noise level meter with the consultation of RSPCB connected by online CCTV.
2. All the hotels should install a display board depicting the ill effect of noise pollution and certifying that they do not increase the sound levels beyond permissible standards at their main gate.
3. Mobile DJ music systems/operating on four wheelers vehicles with Barat procession/ religious procession are banned and for any found in hotel premises, the hotel shall be liable for action.
4. In Eco sensitive zone of Sajjangarh Wild Life Sanctuary as wild animals are living there following activities shall be strictly prohibited:-
 - a) Prohibition for DJ sound system in marriage procession.
 - b) Bursting of fire crackers.
 - c) Hotels not allowed to play music in open area i.e. garden. They shall ensure play music in sound proof/ acoustic halls.
 - d) Dhol, Nagadas, tum-tum etc. should also be prohibited in hotels/marriage gardens in open.
 - e) Use of Laser light/spot light.
 - f) Marriage gardens with halls shall be allowed if music is played in enclosed halls. If there is no facility of hall then the same be closed.

Therefore, you are directed to implement these directions in your units and send compliance report within 15 Days so that compliance can be submitted in Hon'ble NGT.

(Sharad Saxena)
Regional Officer

S. No.	Name	Address	Dispatch no.
1	Lemon Tree Premier (Fleur) Aurika Udaipur	Plot No. 1, Khasra No. 979 to 981, Kala Rohi, Sisarma, Udaipur	126/1
2	The Lalit Laxmi Vilas Palace Hotel	Opposite Fatehsagar Lake, Udaipur	126/2
3	Moon Buildestate Pvt. Ltd.,	Hawala Khurd, N/V Badi, Udaipur	126/3
4	Shilp Gramodyog Sales Complex	Plot no. 1797-1798 Opp. Leaf Restarurant Verdia Farms Near Sajjangarh Main gate, Udaipur	126/4
5	Verdia hotels P. Ltd(Bambosa)	Kh.no. 1499/1500, Sisarma	126/5
6	Hotel Mewargarh Palace	Sajjangarh Road, Girwa, Udaipur	126/6
7	Hotel Lakend	Alkapuri, Fatehsagar, Udaipur	126/7
8	Hotel Hill Top Palace	5, Ambavgarh, Fatehsagar, Udaipur	126/8
9	Hotel Inder Prakash	Rani Road, Near Fateh Sagar Lake, Udaipur	126/9
10	Hotel Panna Vilas Palace	Rani Road, , Udaipur	126/10
11	Hotel The Royal Retreat	Hawala Road, Badi, Udaipur	126/11
12	Rockwood Hotels & Resorts Ltd.(Hotel Radisson)	B-1, Amba Mata Scheme, Udaipur	126/12
13	Hotel Amantra Shilpi Village Resort (Hotel Village Resort)	Shilpgarm Rani Road, Udaipur	126/13
14	Shourya Garh resort & Spa(A unit of Blue Wings Tours & Travels Pvt.Ltd)	Near Shilpgram off Rani Road Fateh Sagar, Hawala Khurd, Nr. Shilpgram, Udaipur	126/14
15	Monsoon Palace Resorts P ltd (Ramada)	Rampura Choraya, Kodyaat Road, Udaipur	126/15
16	M/s Hotel Leela Venture Limited	88,Naga nagri, Out side Chandpole, Udaipur	126/16
17	Hotel Oberoi Udaivilas	Haridasji ki magri, Udaipur	126/17
18	Trident Hotel	Haridasji ki magri, Mulla Talai, Udaipur	126/18
19	Shiv Niwas Palace	City Palace, , Udaipur	126/19
20	Taj Lake Palace	Lake Pichola, , Udaipur	126/20
21	Jagmandir Palace (A unit of the Lake Palace hotels & Motels Ltd)	Lake Pichola, City Palace, Udaipur	126/21
22	Fateh Prakash Palace (A Unit of Lake Palace Hotels & Motels (P) Ltd.)	City Palace, Udaipur	126/22
23	Taj Aravali Spa & Resort. Connoisseur Club & Spa Resort (Unit of M/s Crown Club & Hotels P. Ltd.)	Village- Bhujda, Kodyat, Udaipur	126/23
24	Ananta Hotel & Resorts (A Unit of Goyal Fashions P. Ltd.)	Bhoojda, Kodyat Road, Udaipur	126/24
25	Hotel Rampratap (Fatehgarh Palace) (A unit of Rampratap Developers P Ltd.)	5-B, Alkapuri,Fateh Sagar, Udaipur	126/25
26	Fatehgarh (Rampratap Developers Pvt. Ltd). (Motel Fateh Niwas)	Sisarma Road, Udaipur	126/26
27	Rajdarshan Hotel	Pannadhai marg, hatthipole, Udaipur	126/27
28	Hotel Amet Haveli & Ambrai Restaurant	Panchdevri Marg, outside chandpole, Udaipur	126/28
29	Hotel Swaroop Vilas	Swaroop Sagar Lake, Udaipur	126/29
30	Vardha Enterprises (Hotel Raffles)	Udaisagar Lake, Udaipur	214
31	Rajak Resort Pvt. Ltd (Hotel Zana)	Udaisagar Lake, Udaipur	215



Annexure - III

Regional office

Rajasthan State Pollution Control Board

Address: F-470, Near UCCI Building, M.I.A, Udaipur (Raj.)

Email : rorpcbudaipur@gmail.com

No. RPCB/ROU/ Legal- 77/220 - 221

Date:- 11/05/23

Commissioner,

Municipal Council,

Townhall, Bapu Bazar, Udaipur- 313001

(Email-commudr@gmail.com)

Sub.- Regarding compliance of Joint Committee report submitted in O.A. No.102/2022, Anil Mehta V/s State Of Rajasthan & Ors (Available on Hon'ble NGT website at <https://greentribunal.gov.in/news-update>) & District Collector D.O. letter no. 8059 dated 02.12.2022. (Copy enclosed as annexure-I)

Ref.:- (i) Direction of Hon'ble National Green Tribunal, Central Zone, Bhopal in the matter of Anil Mehta V/s State Of Rajasthan & Ors., O.A. No. 102/2022 issued vide order sheet dated 06.04.2023. (Copy enclosed as annexure-II)

Sir,

With reference to above an application was filed by Anil Mehta in Central Zone Bench, Bhopal and same was accepted By NGT O.A. No. 102/2022. Hon'ble NGT passed an order on 06.01.2023 and constituted as Joint Committee. The joint committee had submitted factual and action taken report & same was considered by Hon'ble NGT in hearing dated 06.04.2023; interalia reproduced as follows:-

"We have gone through the contents of the Joint Committee report submitted by five senior expert officers. A copy of the report be provided to the Collector / Municipal Corporation with a direction to enforce the recommendations of the committee upto the strength of the applicability and if there is any grievances Collector & Municipal Corporation have to file their replies/response on those points"

And as per the recommendation no. 5 of joint committee report *"The Municipal Authorities/ UTT should install display boards in their areas indicating ill effect of noise pollution near Lakes of Udaipur in ESZ"* and further in recommendation no. 6 *"The Municipal authorities should complete the work of notifying area into commercial residential and silence zone so that applicability of noise level standards can be ensured"*.

Therefore, it is requested to take action as above as per joint committee recommendation no. 5 & 6. So that compliance in this matter shall be submitted to Hon'ble NGT.

Yours Faithfully,

Encl.:- As above

(Sharad Saksena)

Regional Officer

Copy to:-

1. The District Collector, Udaipur with the request to direct the Commissioner Municipal Council at your level to ensure compliance of Hon'ble NGT direction.

Regional Officer



Tara Chand Meena, I.A.S.
तारा चन्द मीणा, आई.ए.एस.

Annexure -I

Phone / दूरभाष : Office / कार्यालय : 2410834
 Res. / निवास : 2410285
 Fax / फ़ैक्स : 0294-2410834
 Email : dm-uda-rj@nic.in

District Collector & DM
 Udaipur (Rajasthan)
 जिला कलक्टर एवं जिला मजिस्ट्रेट,
 उदयपुर (राजस्थान)

अ0शा10 पत्रांक: 8059
 दिनांक : 02/12/2022

उप शी का 116.

मैं आपका ध्यान ध्वनि प्रदूषण (विनियमन और नियंत्रण) नियम, 2000 के नियम 3 (2) की ओर दिलाना चाहूंगा जिसमें औद्योगिक, वाणिज्यिक, आवासीय या शांत क्षेत्रों/परिक्षेत्रों में दिन एवं रात्रि के समय ध्वनि डीबी(ए) Leq के निम्नानुसार मानक निर्धारित किये हुए है :-

क्षेत्र का कोड	क्षेत्र/परिक्षेत्र का प्रवर्ग	डीबी (A) Leq दिन के समय	डीबी(A) Leq रात के समय
(क)	औद्योगिक क्षेत्र	75	70
(ख)	वाणिज्य क्षेत्र	65	55
(ग)	आवासीय क्षेत्र	55	45
(घ)	शांत परिक्षेत्र	50	40

उक्त नियमों के क्रियान्वयन के लिए नगर निगम, उदयपुर के क्षेत्र को उपरोक्त 04 क्षेत्रों में वर्गीकृत करना आवश्यक है जिससे ध्वनि नियमों में उल्लेखित क्षेत्रवार मानकों से तुलना की जा सके।

अतः ध्वनि मानकों को क्रियान्वित करने के प्रयोजन के लिए औद्योगिक, वाणिज्यिक, आवासीय या शांत क्षेत्रों/परिक्षेत्रों को प्रवर्गीकृत कर 07 दिवस में की गई कार्यवाही से अवगत करावें। इस कार्य को सर्वोच्च प्राथमिकता दें।

सदभावी,

(तारा चन्द मीणा)

श्री हिम्मत सिंह बारहठ,
 आयुक्त,
 नगर निगम,
 उदयपुर।

Item No. 4

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

**Original Application No. 102/2022(CZ)
(I.A.No.04/2023) (I.A.No.10/2023)**

Anil Mehta

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: 06.04.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Ms. Maitreya Prithwiraj Ghorpade, Adv.

For Respondent(s):

Mr. Dharamvir Sharma, Adv.

Mr. Rohit Sharma, Adv.

Mr. Shoeb Hasan Khan, Adv.

ORDER

1. Update by MoEF&CC, reply of Respondent no. 3 and Joint Committee Report are on record. Learned Counsel for the applicant has sought a short time to file the rejoinder. Rejoinder may be filed within a week.

I.A. No. 04/2023

2. By way of moving this application, applicant prayed for modification of order of this Tribunal dated 06.01.2023 with the request that in all the committee applicant/appellant should be included as member of the committee. This prayer is not tenable and thus I.A. No. 04/2023 is **dismissed**.

I.A. No. 10/2023

3. An application for submission of additional facts and record....

The documents be taken on record. Accordingly, I.A. No. 10/2023 is **allowed**.

4. We have gone through the contents of the Joint Committee report submitted by five senior expert officers. A copy of the report be provided to the Collector / Municipal Corporation with a direction to enforce the recommendations of the committee upto the strength of the applicability and if there is any grievances Collector & Municipal Corporation have to file their replies/response on those points. Action Taken report may be filed before the next date of listing.

List it on **17th May, 2023**

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

6th April, 2023
O.A No. 102/2022 (CZ)
K



Annexure - IV



Regional office

Rajasthan State Pollution Control Board

Address: F-470, Near UCCI Building, M.I.A, Udaipur (Raj.)

Email : rorpcbudaipur@gmail.com

No. RPCB/ROU/ Legal- 77/ 222- 223

Date:- 11/05/23

Superintendent of Police

Udaipur

Sub.:- Regarding availability/ procurement status of Noise Level Meters as per Hon'ble National Green Tribunal Order dated 06.04.2023 in O.A. No. 102/2022, Anil Mehta V/s State Of Rajasthan & Ors. (Copy enclosed as annexure-I)

Ref.:- Compliance of Hon'ble NGT order dated 15.03.2019 in O.A. No. 681/2018, Principal Bench, New Delhi (Copy enclosed as annexure-II).

Sir,

With reference to above an application was filed by Anil Mehta in Central Zone Bench, Bhopal and same was accepted By NGT O.A. No. 102/2022. Hon'ble NGT passed an order on 06.01.2023 and constituted as Joint Committee. The joint committee had submitted factual and action taken report & same was considered by Hon'ble NGT in hearing dated 06.04.2023; interalia reproduced as follows:-

"We have gone through the contents of the Joint Committee report submitted by five senior expert officers. A copy of the report be provided to the Collector / Municipal Corporation with a direction to enforce the recommendations of the committee upto the strength of the applicability and if there is any grievances Collector & Municipal Corporation have to file their replies/response on those points".

And as per the recommendation no. 7 of joint committee report *"Every Police Thana shall be equipped with Noise Level Meter"*. Also, it is pertinent to mention here that on 15.03.2019 in O.A. No. 681/2018, Hon'ble NGT, Principal bench, New Delhi passed an order and directed *"The all Police Departments of all the State/ UTs may obtain the noise monitoring devices within three months"*.

Therefore, it is requested to take action as above as per joint committee recommendation no. 7. So that compliance in this matter shall be submitted to Hon'ble NGT.

Yours Faithfully,

Encl.:- As above

(Sharad Saksena)

Regional Officer

Copy to:-

1. The District Collector, Udaipur with the request to direct the Superintendent of Police at your level to ensure compliance of Hon'ble NGT direction.

Regional Officer



Annexure-V



Regional office

Rajasthan State Pollution Control Board

Address: F-470, Near UCCI Building, M.I.A, Udaipur (Raj.)

Email : rorpcbudaipur@gmail.com

No. RPCB/ROU/ Legal- 77/196 - 198

Date:- 04/05/23

Regional Transport Officer
Udaipur

Sub.- Regarding cancelation of registration and seizing of vehicles equipped with DJ music systems/operating on four wheeler vehicles along with marriage/ religious processions.
Ref.:- Hon'ble National Green Tribunal Order dated 17.05.2023 in O.A. No. 102/2022, Anil Mehta V/s State Of Rajasthan & Ors.

Sir,

With reference to above an application was filed by Anil Mehta in Central Zone Bench, Bhopal and same was accepted By NGT O.A. No. 102/2022. Hon'ble NGT passed an order on 06.01.2023 and constituted as Joint Committee. The joint committee had submitted factual and action taken report & same was considered by Hon'ble NGT in hearing dated 06.04.2023; interalia reproduced as follows:-

"We have gone through the contents of the Joint Committee report submitted by five senior expert officers. A copy of the report be provided to the Collector / Municipal Corporation with a direction to enforce the recommendations of the committee upto the strength of the applicability and if there is any grievances Collector & Municipal Corporation have to file their replies/response on those points".

And as per the recommendation no. 8 of joint committee report Mobile DJ music systems/operating on four wheelers vehicles with Barat procession/religious procession to be banned and the ban to be enforced by Police/ RTO.

Therefore, it is requested that vehicle with registration no. RJ 27 GD 8451 and RJ 22 GA 7868 be seized and their registration be cancelled as they are operating Mobile DJ music systems and further cancel all such registration of vehicles equipped with Mobile DJ music systems/operating on four wheelers.

Yours Faithfully,

(Sharad Saksena)

Regional Officer

o/c

Copy to:-

1. The Member Secretary, Rajasthan State Pollution Control Board, Jaipur.
2. The District Collector, Udaipur with the request to direct the RTO/ Deputy Superintendent of Police Traffic at your level to ensure compliance of Hon'ble NGT direction.

Regional Officer

o/c



Annexure - VI

Reg. No.: COOP/2020/UDAIPUR/200402

United Hoteliers of Udaipur (Society)

PRESIDENT	VICE PRESIDENT	SECRETARY	TREASURER
Mr. U.B. Srivastava +91 99282 64992	Mr. Devendra Parihar +91 97847 62000	Mr. Rupam Sarkar +91 77276 61180	Mr. Ujjwal Menaria +91 96729 99989

However, we would also like to present a few concerns and suggestions as follows:

Members

Mr. Narendra Gurjar
Mr. Rajnish Gour
Mr. Milind Patel
Mr. Wilson Xess
Mr. Raj Chandrayan
Mr. Han K Rathore
Mr. Ravi Dutt Shukla
Mr. Dinesh Kumar Upadhyay
Mr. Ravinder N Purohit
Mr. Vimal Dhar
Mr. Jitendra Shaktawat
Mr. Naveen Vaishnav
Mr. Ashish Vyas
Mr. Hemendra Durgawat
Mr. Praveen Kumar
Mr. Kamal Singh

- For the Sajjangarh ESZ area, We request a reconsideration of the prohibition on Dhol, Nagada, and Tum-tum. We suggest that these traditional instruments should be allowed, provided the sound generated is within the prescribed limits. These instruments are an integral part of our cultural heritage and traditions, and their responsible use should be permitted. As this also provides livelihood to the underprivileged artists, performers and their families.
- We request that some leverage be given in the enforcement of these regulations, considering the ambient sound levels around our properties. Vehicular traffic, human movement, and other factors beyond our control contribute to the increase in noise levels. We kindly request that these external factors be taken into account while assessing our compliance with the noise regulations.
- In light of the recent Honorable Supreme Court decision on Writ Petition (Civil) No. 202 of 1995 in Godavarman Thirumulpad vs Union of India on 26th April 2023 (para no 57). We request that specific ESZ regulations should not be imposed until new ESZ regulations are redefined by the Ministry of Environment, Forest and Climate Change (MOEF).

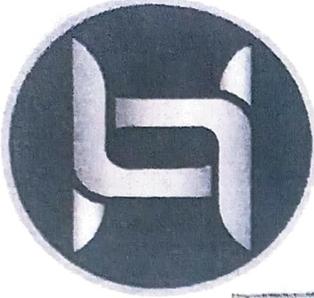
We appreciate the efforts taken by the Rajasthan State Pollution Control Board to safeguard the environment and ensure a healthy living atmosphere for all. We assure our cooperation in implementing the recommendations and look forward to your understanding of our concerns.

Thank you for your attention.

Sincerely,

U.B. Srivastava
President

Rupam Sarkar
Secretary



Reg. No.: COOP/2020/UDAIPUR/200402

United Hoteliers of Udaipur (Society)

PRESIDENT
Mr. U.B. Srivastava
+91 99282 64992

VICE PRESIDENT
Mr. Devendra Parihar
+91 97847 62000

SECRETARY
Mr. Rupam Sarkar
+91 77278 61180

TREASURER
Mr. Ujjwal Menaria
+91 95729 99989

Members

Mr. Narendra Gunjar
Mr. Rajnish Gour
Mr. Milind Patil
Mr. Wilson Xess
Mr. Raj Chandrayan
Mr. Hari K Rathore
Mr. Ravi Dutt Shukla
Mr. Dinesh Kumar Upadhyay
Mr. Ravinder N Purohit
Mr. Vimal Dhar
Mr. Jitendra Shaktawat
Mr. Naveen Vaishnav
Mr. Ashish Vyas
Mr. Hemendra Durgawat
Mr. Praveen Kumar
Mr. Kamal Singh

Subject: Representation from the United Hoteliers of Udaipur (Society) regarding NGT Recommendations

To:
Mr. Sharad Saksena
Regional Officer
Rajasthan State Pollution Control Board

Dear Mr. Saksena,

We, the United Hoteliers of Udaipur (Society), have taken note of the recommendations and directions issued by the Rajasthan State Pollution Control Board in compliance with the National Green Tribunal (NGT) order dated 06-04-2023, in the case of OA No. 102/2022(CZ) Anil Mehta Vs State of Rajasthan & Others.

Udaipur is recognized as one of the top 10 cities in the world for wedding destinations, and the hotel industry here is a major source of employment and tax revenue. The hotel sector plays a crucial role in the local economy, and it is vital to maintain a balance between environmental concerns and the industry's growth.

We understand the importance of protecting the environment and maintaining noise levels within permissible limits. However, we would like to emphasise that excessive control and stringent regulations might lead to a significant loss of revenue and employment opportunities for the industry, which in turn could have a negative impact on the local economy.

We appreciate the efforts taken by the Rajasthan State Pollution Control Board and would like to state our commitment to adhere to the following points:

1. We shall not allow the use of mobile DJ music systems operating on four-wheeler vehicles with Barat or religious processions within hotel premises.
2. We will install display boards at the main gate outlining the ill effects of noise pollution and certifying that sound levels do not exceed permissible standards.
3. We commit to installing continuous ambient noise level meters within our premises and ensuring regular monitoring of noise levels.
4. We commit to playing sound within prescribed limits as per law

03/05/23

Reg. Address : Hotel Ashish Palace, 125, Chetak Marg, Chetak Circle, Udaipur - 313001, Rajasthan
E-mail : unitedhoteliersofudaipur@gmail.com

R. d. s.
JE (5)
8/5.23