

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 10 OF 2023



IN THE MATTER OF:

Puja Kumar

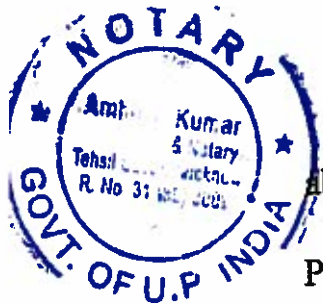
...Applicant

Versus

Ansal API & Ors.

...Respondent

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE UTTAR
PRADESH POLLUTION CONTROL BOARD IN COMPLIANCE
OF THE ORDER DATED 23.10.2024 PASSED BY THIS HON'BLE
TRIBUNAL**



I, Jagdamba Prasad Maurya S/o Shri Darbari Lal Maurya aged about 55 years presently posted as Regional Officer, Uttar Pradesh Pollution Control Board (herein after referred to as UPPCB), Lucknow do hereby solemnly affirm and state on oath as under:

1. That in the aforementioned capacity, I am conversant with the facts and circumstances of the present case and as such I am authorized and competent to swear the present Affidavit.

A. K.
AMBRISH KUMAR
VOCATE & NOTARY
1, Devi Ganj, Anand
pur Janab., Lucknow
25/11/24

2. That the present Original Application has been registered on a complaint submitted by the Applicant alleging, inter-alia, that the Respondent No. 1 has not obtained environmental clearance or NOC from the authorities.

3. That the answering Respondent/UPPCB vide its letter dated 31.01.2024 had imposed an Environmental Compensation of INR 1,24,50,000/- (Rupees One Crore Twenty Four Lakhs Fifty Thousand Only) against the unit in question i.e. M/s Ansal Properties and Infrastructure Ltd., IInd Floor, Sector-D, Sushant Golf City, Sultanpur Road, Lucknow for operation of the Sewage Treatment Plants having capacity of 150 KLD and 5 MLD without prior Consent to Operate from the UPPCB, for the period 01.01.2023 to 28.11.2023.

4. That as unit in question has not deposited the amount of the Environmental Compensation, UPPCB vide letter dated 18.07.2024 has requested to the Collector, District-Lucknow for collecting/recovery of above Environmental Compensation.

That the unit i.e. M/s Ansal Properties and Infrastructure Ltd. has informed vide its letter dated 25.11.2024 that the accounts of the company were seized in pursuance to the order of District



AMBRISH KUMAR
ADVOCATE & NOTARY
VIII. Devi Ganj, Anaiya
Adampur, Janubi, Lucknow

25/11/24

Magistrate, Lucknow due to recovery proceeding initiated by various Court orders and also requested for one week time regarding payment of above imposed amount. A copy of the letter dated 25.11.2024 is being annexed herewith and marked as **ANNEXURE R/1.**

6. That the State Environment Impact Assessment Authority (SEIAA) has imposed penalty of INR 460.86 Lakh (Rupees Four Crore Sixty Lakh Eighty Six Thousand Only) against the unit M/s Lulu India Shopping Mall Pvt. Ltd., Plat no. T-5, T-4A, I.B.B.-2, Sushant Golf City, Lucknow which is subsequently deposited by the said unit.
7. That the total Environmental Compensation of Rs. 5,85,36,000/- (Rupees Five Crores Eighty Five Lakhs Thirty Six Thousand Only) has imposed against the units in question i.e M/s Ansal Properties and Infrastructure Ltd., IInd Floor, Sector-D, Sushant Golf City,

A. N.
AMBRISH KUMAR
 ADVOCATE & NOTARY
 Vill. Devi Ganj, Anaiya
 Adampur, Janubi, Lucknow

25/11/24
 8.

Sultanpur Road, Lucknow and M/s Lulu India Shopping Mall Pvt. Ltd., Plat no. T-5, T-4A, I.B.B.-2, Sushant Golf City, Lucknow.

That this Hon'ble Tribunal vides its Order dated 23.10.2024 has directed the answering Respondent to submit a proposal for utilization of the said environmental compensation and the timeline

[Signature]



for the same. The relevant portion of the Order dated 23.10.2024 passed by this Hon'ble Tribunal is reproduced hereunder for ready reference:

"4. UPPCB shall also file an additional reply to disclose as to how the amount of compensation received from respondent 4 while granting ECas violator's case, has been utilized and also proposal for utilizing environmental compensation which is to be deposited by respondent 1 now and the timeline."

9. That in compliance to the order passed by this Hon'ble Tribunal, the UPPCB vide letter dated 22.11.2024 has requested to expert institutions i.e. IIT Kanpur, HBTU Kanpur and IIT Roorkee to provide a tentative action plan along with timeline for abatement of environment in a 500 mtr. radius distance from the project site in question. A copy of the letter dated 22.11.2024 is being annexed herewith and marked as ANNEXURE R/2.

10. That the answering Respondent is awaiting reply from the aforementioned institutions on the Letter dated 22.11.2024 sent by it. It is submitted that the answering Respondent shall submit a detailed report before this Hon'ble Tribunal on utilization of environmental



A. K.
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 ADVOCATE & NOTARY
 Vill. Devi Ganj, Anaiya
 Sahaspur Janubi, Lucknow

25/11/24

[Handwritten signature]

compensation amount on the receipt and approval of the tentative action plan from IIT Kanpur, HBTU Kanpur and IIT Roorkee.



DEPONENT

VERIFICATION:

Solemnly verified at Lucknow, Uttar Pradesh on this 25th day of November 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

AMBRISH KUMAR
ADVOCATE & NOTARY
Vill. Devi Ganj, Anai,
Adampur Janubi, Lucknow

25/11/24

I know and identify the deponent who has submitted T.I. before me

To,

U.P. Pollution Control Board

Lucknow, Uttar Pradesh

Sub: Request for granting of 1 week time for payment against penalty imposed by U.P. Pollution Control Board

Sir,

This letter is in reference to the penalty imposed by U.P. Pollution Control Board against Ansal Properties and Infrastructure Ltd. vide letter Ref No. H06326/C5/JL- 80/2024 dated 31.01.2024 amounting to Rs. 1,24,50,000/- (Rs. One crore twenty-four lakh fifty thousand only). Ansal Properties and Infrastructure Ltd. has all the intentions to obey the board's orders and pay the penalties imposed by the board, however it is pertinent to mention that the accounts of the company i.e. Ansal Properties and Infrastructure Ltd. were seized on the order of District Magistrate Lucknow due to recovery proceedings initiated by various court orders. Due to the same reason i.e. freezing of accounts of the company the payment of abovementioned penalties can not be done till now.

It is a humble request from Ansal Properties and Infrastructure Ltd. from the board to grant one week's time for payment of the penalties amounting to Rs. 1,24,50,000/- (Rs. One crore twenty-four lakh fifty thousand only) imposed on the company. The board may consider this letter as an assurance that the above-mentioned penalties will be paid by or before one week's time.

Lucknow

Date: 26.11.2024

Thanks and Regards

Authorized Signatory

Ansal API



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



पत्रांक संख्या— H 20065 / सी-5 / 154/O.A. No.-10/23/L.A. No.-630/24 दिनांक: 22.11.2024

सेवा में,

1. भारतीय प्रौद्योगिकी संस्थान (आई.आई.टी.), कानपुर।
2. हरकोर्ट बटलर टेक्निकल यूनिवर्सिटी (एच.बी.टी.यू.), कानपुर।
3. भारतीय प्रौद्योगिकी संस्थान (आई.आई.टी.), रुडकी, हरिद्वार, उत्तराखण्ड।

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-10/2023 पूजा कुमार बनाम अंसल ए.पी.आई. में पारित आदेश दिनांक 23.10.2024 के अनुपालन के संबंध में।

महोदय,

उपरोक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-10/2023 पूजा कुमार बनाम अंसल ए.पी.आई. में पारित आदेश दिनांक 23.10.2024 (छायाप्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें, जिसके सुसंगत अंश निम्नवत् है:-

".....4. UPPCB shall also file an additional reply to disclose as to how the amount of compensation received from respondent 4 while granting EC as violator's case, has been utilized and also proposal for utilizing environmental compensation which is to be deposited by respondent 1 now and the timeline.
5. List for further consideration on 27.11.2024....."

उपरोक्त के संबंध में आपको अवगत कराना है कि संदर्भित प्रकरण में अंसल ए.पी.आई., सुशांत गोल्फ सिटी, सुल्तानपुर रोड, लखनऊ स्थित इकाईयों के विरुद्ध कुल ₹ 5,85,36,000/- (₹ 5 करोड़ पच्चासी लाख छत्तीस हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित की गयी थी। मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक 23.10.2024 के अनुपालन में उक्त धनराशि का प्रयोग प्रश्नगत स्थल में पर्यावरणीय सुधार हेतु उपयोग किया जाना है।

अतः मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक 23.10.2024 के अनुपालन में प्रश्नगत स्थल के 500 मीटर की त्रिज्या में पर्यावरणीय सुधार हेतु टेन्टेटिव एक्शन प्लान जिसमें Waste Management Plan, Water Quality Management Plan, Domestic Sewage Management Plan, Industrial Wastewater Management Plan, Air Quality Management Plan and Noise Pollution Management Plant सम्मिलित हो के अनुसार समयबद्ध कार्यक्रम व कुल लागत सहित प्रेषित करने का कष्ट करें, जिससे उक्त पर्यावरणीय क्षतिपूर्ति की धनराशि को सक्षम अधिकारी के अनुमोदनोपरान्त उक्त कार्य में व्यय किया जा सके। इसके साथ-2 डिटेल्ड एक्शन प्लान के निर्माण हेतु संस्थान की परामर्श शुल्क का विवरण भी प्रेषित करने का कष्ट करें।

भवदीय,

मुख्य पर्यावरण अधिकारी
(वृत्त-5)

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित—

1. मुख्य विधि अधिकारी (प्रभारी), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
2. लेखा प्रभारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को इस निर्देश के साथ प्रेषित कि संदर्भित संस्थानों से सम्पर्क करते हुए आवश्यक कार्यवाही करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी
(वृत्त-5)

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