

Next Date of Hearing: 21.02.2023

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

O.A. No. 690 of 2022

**IN THE MATTER OF:**

Shashikant Sharma

... Applicant

Versus

State of U.P. and others

... Respondents

**I N D E X**

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New Delhi

DATED: 17.02.2023

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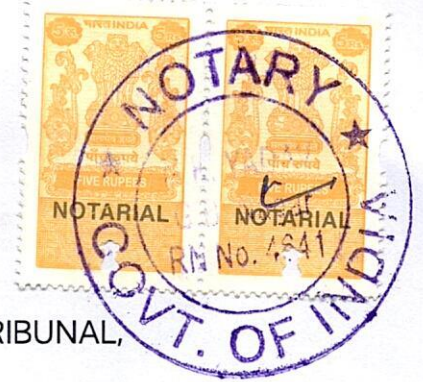


**Anil Kaushik,**

Advocate for the Respondent -NOIDA,  
H-11, LGF, Jangpura Extension, New Delhi-110 014

(M) No. 9810414419 / 9560354941

Email: [anil.kaushik2000@gmail.com](mailto:anil.kaushik2000@gmail.com)



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

O.A. No. 690 of 2022

IN THE MATTER OF:

Shashi Kant Sharma

...Applicant

Versus

State of U.P & Ors.

...

Respondents

**AFFIDAVIT ON BEHALF OF THE RESPONDENT-NOIDA**

I, Ramesh Chand son of Shri Amar Singh aged 58 years, working as Senior Manager (WC-5) with the Respondent NOIDA having its office at office at Main Administrative Complex, Sector - VI, Noida, District - GautamBudh Nagar, Uttar Pradesh - 201301 do hereby solemnly affirm and declare as under:

1. I am working as Senior Manager (WC-5) with the Respondent NOIDA and duly authorized to represent the Respondent NOIDA in the present proceedings and in my capacity as Sr. Manager I am well versed with the facts and circumstances of the instant case on the basis of the records available in the office of Respondent NOIDA and competent to swear this affidavit.



  
Arvind Kumar  
Manager  
Work Circle-5, NOIDA

  
RAMESH CHAND  
Senior Manager  
Work Circle-5, NOIDA

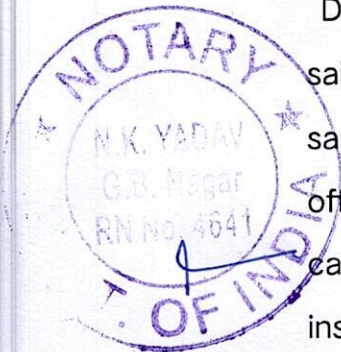
2. Based on a complaint dated 31.05.2022 sent by post to the Hon' ble National Green Tribunal (NGT), against the air and noise pollution caused by running of D.G set for 18-19 hours on daily basis, installed at the site i.e. Unisex Fitness 22 Gym situated at Dayanand Sharma Building on M.P. Road No.1, opposite Government Inter College Sector 22, NOIDA (hereinafter referred to as "said property" ), the present O.A No. 690 of 2022 titled as "Shashikant Sharma Vs. State of U.P." was registered before the Hon' ble NGT on 13.09.2022.
  
3. It is respectfully submitted that a copy of complaint dated 31.05.2022 was also sent to U.P Pollution Control Board (UPPCB) by the complainant, pursuant to which on 04.06.2022 inspection of the site was conducted by officials of UPPCB. During inspection a D.G. Set of capacity 15 KW was found installed outside the Unisex Fitness 22 Gym and the officials present during inspection were directed to seal the D.G. set. It is respectfully submitted that during re-inspection of the said property on 12.07.2022 the D.G. set was not found installed. Subsequently on 22.07.2022, the said property was again inspected by officials of UPPCB along with the officials of CPCB and the D.G. set was again not found at the site.



  
Arvind Kumar  
Manager  
Work Circle-5, NOIDA

  
RAMESH CHAND  
Senior Manager  
Work Circle-5, NOIDA

4. Vide order dated 31.10.2022 passed in O.A. No. 690 of 2022, the Hon' ble NGT constituted a joint committee comprising of State PCB, Commissioner, Municipal Corporation, NOIDA and District Magistrate Gautam Budh Nagar and directed them to visit the site, verify the factual position and take appropriate remedial actions.
5. Vide email dated 04.11.2022, the order dated 31.10.2022 was received by the NOIDA Authority for taking necessary actions.
6. It is respectfully submitted that in compliance of order dated 31.10.2022 passed by the Hon' ble NGT in O.A. bearing No. 690 of 2022 titled as "Shashikant Sharma Vs. State of U.P." on 30.11.2022, a visit was made by a team of officers of NOIDA Authority, to the site for inspection and to verify the factual position as stated in the complaint dated 31.05.2022.
7. In this regard it is submitted that, at the time of visit by NOIDA Authority to the said property, the property owner, namely Sh. Dayanand Sharma informed the team of officers that the said property was constructed in the year 2008 and has a sanctioned load capacity of 2KW. At the time of visit by the officials on 30.11.2022 neither gym related activities were carried out in the said property nor D.G set was found installed. Photographs of the said property taken during the visit by the officials on 30.11.2022 are annexed herewith as Annexure-1.



  
Arvind Kumar  
Manager  
Work Circle-5, NOIDA

  
RAMESH CHAND  
Senior Manager  
Work Circle-5, NOIDA

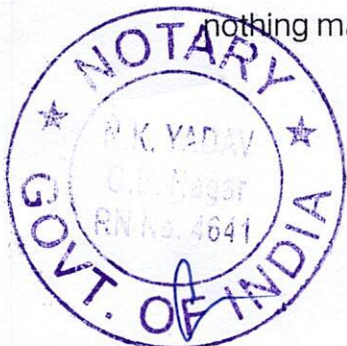
4

8. The information was sought by the NOIDA Authority from the Regional Office, UPPCB regarding the action taken by the UPPCB pursuant to the complaint dated 31.05.2022 filed by the complainant namely Shashikant Sharma before the Hon' ble NGT. Vide letter dated 31.01.2023 the UPPCB provided information pertaining to steps taken by them with respect to the complaint dated 31.05.2022 as explained in Para 3 above. Copy of the reply dated 31.01.2023 by UPPCB is annexed herewith as Annexure -2.
9. The grievance of the complainant regarding air and noise pollution caused by the D.G. set for 18-19 hours on daily basis has already been addressed. The D.G. set is no more installed at the site.

  
**RAMESH CHAND**  
Senior Manager  
Work Circle-5, NOIDA  
DEPONENT

VERIFICATION:

Verified at NOIDA on this 15<sup>th</sup> day of February, 2023 that the contents of the present 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 there from.

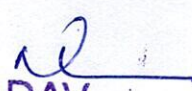


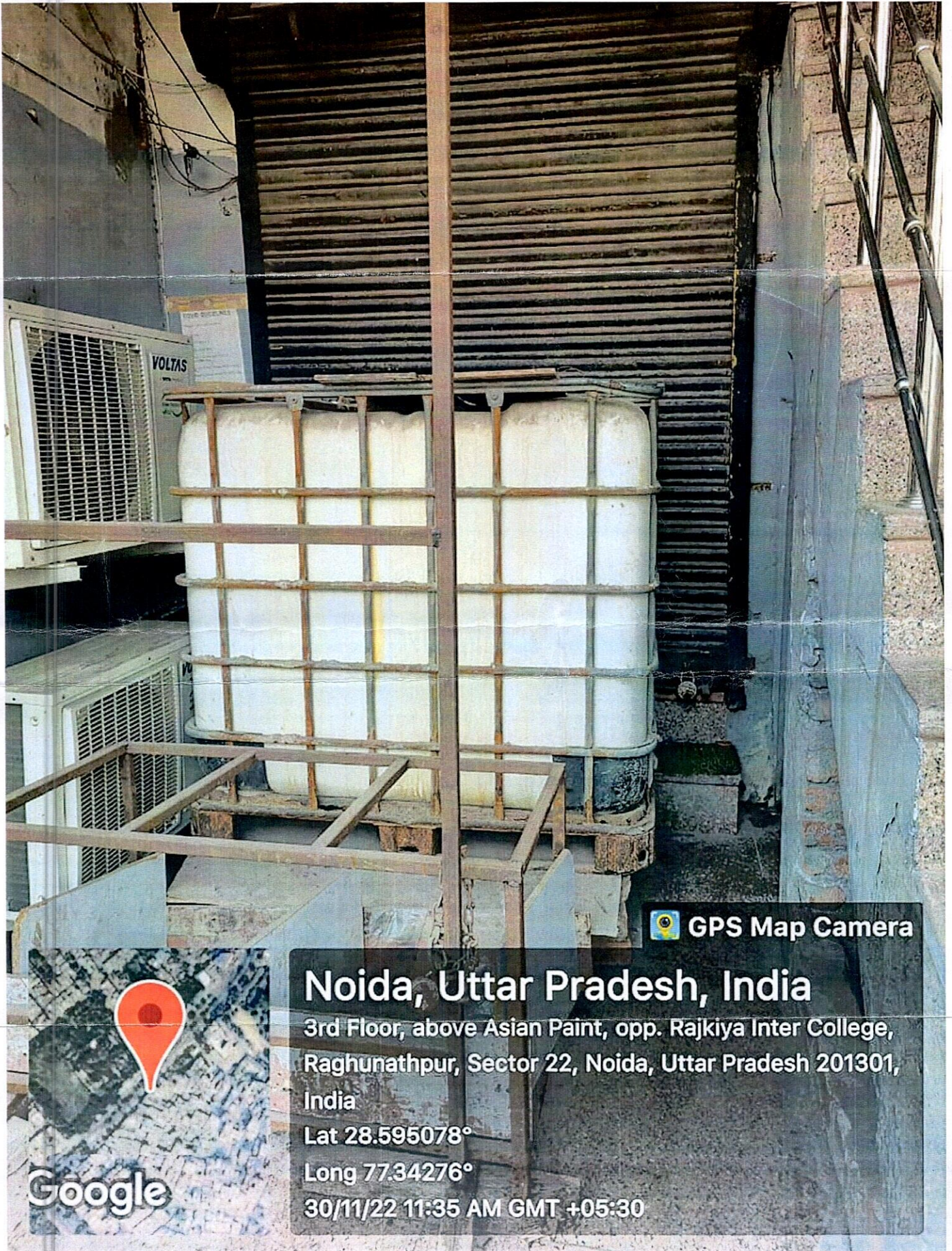
  
Arvind Kumar  
Manager  
Work Circle-5, NOIDA

  
**RAMESH CHAND**  
Senior Manager  
Work Circle-5, NOIDA

**ATTESTED**

15 FEB 2023

  
**N. K. YADAV**  
Advocate Notary  
(G.B. Nagar)



 GPS Map Camera

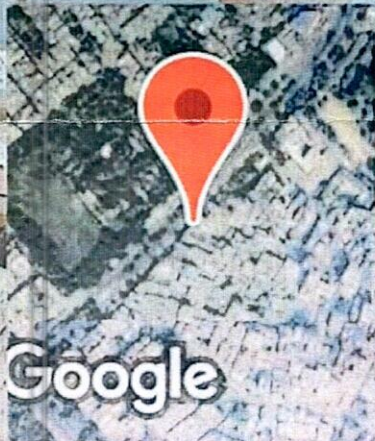
## Noida, Uttar Pradesh, India

3rd Floor, above Asian Paint, opp. Rajkiya Inter College,  
Raghunathpur, Sector 22, Noida, Uttar Pradesh 201301,  
India

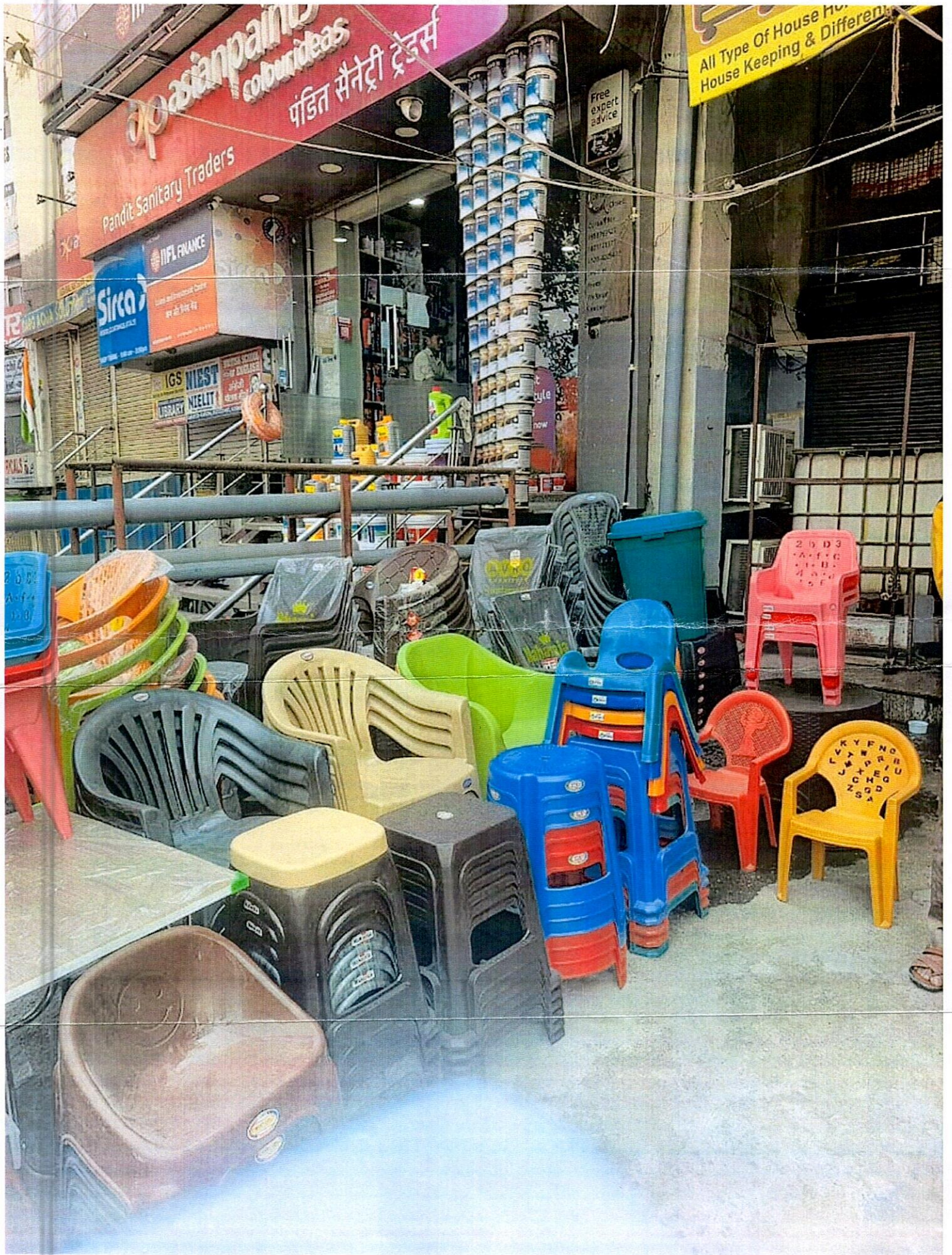
Lat 28.595078°

Long 77.34276°

30/11/22 11:35 AM GMT +05:30









ANNX-2

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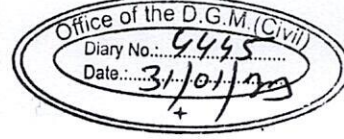
क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, नोएडा  
REGIONAL OFFICE, U.P. POLLUTION CONTROL BOARD, NOIDA

पत्रांक: 1313 / L-157/2022

दिनांक:- 31-01-2023

सेवा में,

उप महाप्रबन्धक-सिविल,  
नवीन ओखला औद्योगिक विकास प्राधिकरण,  
सेक्टर-६, नोएडा, गौतमबुद्ध नगर।



विषय:-Original Application No. 690/2022 Shashikant Sharma Vs. State of U.P. में  
Unisex Fitness 22 Gym at Dayanand Sharma on M.P. Road No.1, Opposite  
Government Inter Collage, next of IIFL Bank, Sector-22, Noida के सम्बन्ध में।

महोदय,

उपरोक्त विषयक अपने पत्रांक नोएडा/उ.म.प्र. (सि.)/२०२३/एस.एम.डब्ल्यू.०५/१२४  
दिनांक १६.०१.२०२३ संदर्भ ग्रहण करने का कष्ट करें। उक्त के सम्बन्ध में अवगत कराना है कि  
उपरोक्त के सम्बन्ध में प्राप्त शिकायत के अनुक्रम में शिकायती स्थल का निरीक्षण इस कार्यालय  
द्वारा दि०-०४.०६.२०२२ को किया गया था। निरीक्षण के समय स्थल पर १५ के०वी०ए० क्षमता  
का डी०जी० सेट स्थापित पाया गया था। निरीक्षण के समय उपस्थिति प्रतिनिधि को उक्त डी०जी०  
सेट को स्थल से हटाने हेतु निर्देशित किया गया था। स्थल का पुनः निरीक्षण दि०-१२.०७.२०२२  
को किया गया था तथा स्थल पर डी०जी० सेट स्थापित नहीं पाया गया था। पुनः केन्द्रीय प्रदूषण  
नियंत्रण बोर्ड के साथ दिनांक २२.०७.२०२२ को निरीक्षण किया गया तथा डी०जी० सेट स्थल पर  
नहीं पाया गया। केन्द्रीय प्रदूषण नियंत्रण बोर्ड की आख्या संलग्न कर सूचनार्थ प्रेषित है।  
संलग्नक:-यथोपरि।

भवदीय

(प्रवीण कुमार)  
क्षेत्रीय अधिकारी

प्रतिलिपि:-विशेष कार्याधिकारी (टी)/नोडल-पर्यावरण, नवीन ओखला औद्योगिक विकास प्राधिकरण,  
सेक्टर-६, नोएडा को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : ई-12/1, सेक्टर-1, नोएडा-201301 फोन नं० : 0120-4974552

मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

Website - www.uppcb.com, e-mail : ronoida@uppcb.in

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Sm WC-5  
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Dgm

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**TRANSLATED COPY**

**REGIONAL OFFICE, U.P. POLLUTION CONTROL BOARD,  
NOIDA**

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Letter No. 1313/L-157/2022

Dated : 31.01.2023

To

Deputy General Manager-Civil,

New Okhla Industrial Development Authority

Sector 6, NOIDA, Gautambudh Nagar

Subject : Regarding Original Application No. 690/2022 Shashikant Sharma Vs. State of U.P. pertaining to Unisex Fitness 22 Gym at Dayanand Sharma on M.P. Road No. 1, Opposite Government Inter College, next to IIFL Bank, Sector – 22, NOIDA

Sir,

In reference to your letter bearing NOIDA/ DGM (Civil)/2023/S.M.W. 05/124, dated 16.01.2023 on the above mentioned subject it is to inform that on receiving the complaint in relation to the above mentioned subject, on 04.06.2022 the complaint site was inspected by officials of this office. During inspection a D.G. Set of capacity 15 KW was found installed at the site. The officials present during inspection were directed to remove the said D.G. set from the site. The site was re-inspected on 12.07.2022 and the D.G set was not found installed. Subsequently on 22.07.2022, the said property was again

✓

inspected by officials of UPPCB along with the officials of CPCB and the D.G. set was again not found at the site. The report of CPCB is annexed for information.

Enc. : as above

Sincerely  
-Sd/--  
(Praveen Kumar)  
Regional Officer

Copy to :- Special Officer (T)/ Nodal- Environment, New Okhla Industrial Development Authority, Sector-06, NOIDA sent for information.

Regional Officer



TRANSLATED COPY

Inspection Report

11

27.07.2022

To

The Divisional Head  
AQM Division  
Central Pollution Control Board  
Delhi-110032

**Sub: Inspection report of the unit, Unisex Fitness 22 Gym, Dayanand Sharma Building, Sector 22, Noida, Uttar Pradesh-reg.**

Ref: 1. CAQM letter no. A-110013/09/2020/CAQM-IP-319, dated 08.07.2022  
2. Email dated 19.07.2022, received from AQM Division, CPCB, Delhi

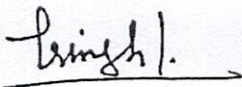
Sir,

In compliance of the directions received from AQM Division vide email dated 19.07.2022, CPCB, Delhi, inspection of the unit, Unisex Fitness 22 Gym, Dayanand Sharma Building, Sector 22, Noida, Uttar Pradesh (herein after referred as 'the unit') was carried out by Shri Saubhagya Dixit, Scientist 'C', CPCB, Delhi and Shri P. P. Singh, Assistant Environmental Engineer, Regional Office (Noida), Uttar Pradesh Pollution Control Board, on 22.07.2022.

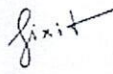
In this regard, it is to submit that at the time of visit, DG set was not found in/beside the premises. Further, the property owner at the site, informed that the illegal possession along with the DG set has been removed by the Gym owner. The photograph of the unit is enclosed.

No further action is required in this case.

Sincerely,



(P. P. Singh)  
Assistant Environmental Engineer  
Regional Office, Noida  
Uttar Pradesh Pollution Control Board



(Saubhagya Dixit)  
Scientist 'C'  
IPC-VI Divison  
Central Pollution Control Board, Delhi

h  
T.C.

Photograph of the unit, Unisex Fitness 22 Gym, Dayanand Sharma Building, Sector 22, Noida, Uttar Pradesh-reg.



*bringh.*

*fixit*