

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

**Miscellaneous Application In Disposed of Cases  
No.06/2025  
IN  
Original Application No.617/2022**

**IN THE MATTER OF:**

Pushpender ...Applicant

Versus

State of Uttar Pradesh &Ors....Respondent(s)

S.NO	PARTICULARS	PAGE NO.
1.	Affidavit on behalf Of District Magistrate Prayagraj in compliance of order dated 21.02.2025 passed by this Hon'ble Tribunal.	
2.	<b>ANNEXURE R-1A</b> copy of the Office Order dated 06.02.2025	

FILED THROUGH

*Ankit Verma*

**(ANKIT VERMA)**

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

Miscellaneous Application In Disposed of Cases

No.06/2025

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Original Application No.617/2022



**IN THE MATTER OF:**

o By 4.17

Pushpender ...Applicant

Versus

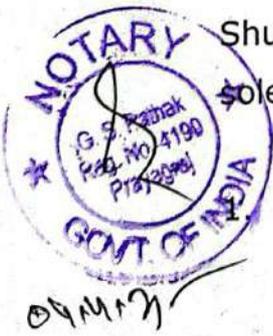
State of Uttar Pradesh &Ors....Respondent(s)

**AFFIDAVIT ON BEHALF OF DISTRICT MAGISTRATE  
PRAYAGRAJ (RESPONDENT No.3) IN COMPLIANCE OF  
ORDER DATED 21.02.2025 PASSED BY THIS HON'BLE  
TRIBUNAL**

The Respondent No. 3 Herein states as under

MOST RESPECTFULLY SHOWETH

I, Pooja Mishra, aged about 40 years, W/o Ajay Kumar Shukla presently posted as ADM(E), Prayagraj do hereby solemnly affirm and state on oath as under:



That in the official capacity mentioned above, I am acquainted with the facts and circumstances of the case and as such I am competent and authorized to swear this affidavit.

2. That the instant Original Application was filled raising grievance that air and water pollution is being caused by

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M/s Tata Company and M/s Ultratech Company in village Berni, Tehsil Bara, District Prayagraj, Uttar Pradesh by storing of cement brought by trucks and discharging waste water which has contaminated drinking water and rendered the same unfit for consumption.

3. That vide order dated 22.05.2024 passed in Original Application No. 617/2022, this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as Hon'ble Tribunal) was pleased to disposed of the Original Application by issuing following directions:

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**83.** *In view of the above, we consider issuance of appropriate directions to be essential and accordingly issue the following directions:-*

- i. *CPCB, Integrated Regional Office, MoEF CC and UPSPCB are directed to evolve an effective mechanism of monitoring compliance with EC/consent conditions stipulated to the projects for ensuring environmental friendly sustainable development.*
- ii. *Respondent no.4-PPGCL and respondent no. 5-UTCL being zero liquid discharge units are directed to ensure that treated industrial effluent and domestic sewage are used for industrial purposes/horticulture/plantation and are not discharged in storm water drain except during monsoon.*
- iii. *Respondent no. 2-UPSPCB is directed to undertake requisite study through subject experts to examine quality and fitness of ground water for use as drinking water, ascertain the causes of contamination of ground water, recommend remedial measures required to be taken and direct the concerned Authorities and the Project*



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Proponents, as the case may be, to take the same.

- iv. Respondent no. 4-PPGCL is directed to ensure management and disposal of fly ash as per notifications issued by the MoEF& CC and guidelines issued by CPCB and UPSPCB.
- v. UPSPCB is directed to look into the aspect of requirement of installation of Dust Separation System and Dust Extraction system at additional points as recommended by the Joint Committee at the time of next inspection of PPGCL and UTCL and issue appropriate directions in this regard.
- v. UPSPCB is directed to perform the ambient air monitoring at Berui village to ascertain the pollution level in referenced area and look into the cause if PM10 (ug/m<sup>3</sup>) in front of the house of the applicant, if the same is higher than PM10 (ug/m<sup>3</sup>) at other locations and suggest remedial measures, if any required.
- vi. The Divisional Forest Officer, Prayagraj is directed to verify the factual position as to whether respondents No. 4-PPGCL and 5-UTCL have developed green belt on 33 % of the project area which is stated to be measuring about 400 acres and 6.6 hectares respectively as mandated by EC and CTE/CTO consent conditions and to submit report within one month specifying the deficiencies of green belt/plantation in terms of area, location, number and nature of species of trees and suggesting measures required to be taken by respondents No. 4-PPGCL and 5-UTCL for remedying deficiencies of green belt/plantation and the budget amount required for the same.
- vii. Respondents no. 4-PPGCL and 5-UTCL are directed to ensure that such deficiencies of green belt/plantation so mentioned in the report of the Divisional Forest Officer, Prayagraj are remedied so that requisite green belt/plantation of requisite width around the periphery of the plants and over 33 % of the project area is raised during



forth coming monsoon season and to file compliance report in this regard within four months.

viii. Respondent No. 4 PPGCL is directed to take over the responsibility of maintenance, operation, payment of electricity bills, regulation of quality of water to be supplied and other decisions in respect ROs installed by it under its Corporate Social Responsibility and meet the requisite expenses out of its CSR fund and to file separate compliance report in this regard within two months.

ix.

Reports as mentioned above be filed by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions....

4. That further this Hon'ble Tribunal vide its order dated 15.01.2025 passed in the present matter has directed as follows:

...5. The Registry is directed to issue notices to the respondents to show cause as to why appropriate action be not taken in terms of above mentioned provisions and also requiring them to file their reports mentioning the steps taken in compliance with Judgment dated 22.05.2024....



That in respectful compliance of the above mentioned orders passed by this Hon'ble Tribunal the District Magistrate Prayagraj herein vide his Office Order No. G1427/NGT/OA No.617/2022 dated 06.02.2025 constituted a Joint Committee comprising of Sub-District Magistrate, Bara, Prayagraj, Divisional Director/Sub-Divisional Forest Officer, Social Forestry Forest Division, Prayagraj and UPPCB to ascertain the factual position and submit a compliance report. A copy

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of the Office Order dated 06.02.2025 is being annexed herewith and marked as **Annexure No.-R1**.

6. That the aforesaid Joint Committee has carried out a site inspection on 13.02.2025 and submitted its report. The Joint Committee Report along with its respective annexure has been filed before this Hon'ble Tribunal on 18.02.2025 by the District Magistrate Prayagraj.
7. That during the course of inspection the Joint Committee inspected M/s Tata Company and M/s Ultratech Company in village Berni, Tehsil Bara, District Prayagraj and observed that, M/s Tata Company is a coal based Thermal Power Plant. The installed capacity of plant is 3×660 megawatt. Electro Static Precipitator (ESP) with 275 meter stack height are installed as Air Pollution Control device in each 3 boiler. Three number of Online continuous emission monitoring system and three number of online continuous ambient air quality monitoring station are installed by the unit. Unit have also installed 1050 KLD effluent treatment plant (ETP) and 400 KLD sewage treatment plant (STP) which was found as per UPPCB norms.

M/s Ultratech Company is a cement grinding unit which installed capacity is 4 million ton per annum. Unit has installed adequate storage facility of raw material and product. Bag house and 46 meter stack height are installed as Air Pollution Control device in cement mill. Two number of Online continuous emission monitoring system are installed. Unit have also installed 30 KLD STP for treatment of domestic effluent, which was found as per UPPCB norms.
8. The Joint Committee further observed that in M/s Tata Company have done 377445 numbers plantation in



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different years. The survival rate of plantation is found 80.69 percentage. Similarly M/s Ultratech Company have done 47275 numbers plantation in different years. The survival rate of plantation is found 85.29 percentage.

- 9. That it is most respectfully submitted that the delay in filing the comprehensive action taken report in compliance of orders passed by this Hon'ble Tribunal is neither deliberate nor intentional and the deponent herein tenders his unconditional apology for the same.
- 10. That the present Affidavit on behalf of the District Magistrate, Prayagraj is being submitted before this Hon'ble Tribunal for kind perusal and consideration.

DEPONENT



**VERIFICATION:**

Verified on this the 4<sup>th</sup> day of April, 2025 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

SOLEMNLY AFFIRMED BEFORE ME  
 On 24/4/25 at Prayagraj  
 Identified by Mr. G. S. Pathak  
 He/His/Her Affidavit as True & Correct which  
 is verified and correct

Sign./Tl Identified By  
[Signature]  
[Signature]

G. S. Pathak  
 Public Notary  
 Atd., Prayagraj (U.P.)

[Handwritten Signature]  
20/4/25

## जिलाधिकारी, प्रयागराज

पत्रांक 60/422/एनजीडी/ओएन नं० 817/2022

दिनांक 06/02/2025

### कार्यालय आदेश

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०नं० 817/2022 श्री पुष्पेन्द्र बनाम उ०प्र० राज्य व अन्य में दिनांक 22.05.2024 को मा० अधिकरण द्वारा निर्देश के साथ निस्तारित किया गया था तथा मा० अधिकरण द्वारा पारित आदेश में दिये गये निर्देश के अनुपालन में सम्बन्धित रिस्पॉन्डेन्ट्स से रिपोर्ट दाखिल करने हेतु निर्देशित किया गया था। मा० अधिकरण द्वारा पारित आदेश दिनांक 22.05.2024 में निम्नवत् निर्देश दिया गया है :-

".....83. In view of the above, we consider issuance of appropriate directions to be essential and accordingly issue the following directions:-

- i. CPCB, Integrated Regional Office, MoEF & CC and UPSPCB are directed to evolve an effective mechanism of monitoring compliance with EC/consent conditions stipulated to the projects for ensuring environmental friendly sustainable development.
- ii. Respondent no.4-PPGCL and respondent no. 5-UTCL being zero liquid discharge units are directed to ensure that treated industrial effluent and domestic sewage are used for industrial purposes/horticulture/plantation and are not discharged in storm water drain except during monsoon.
- iii. Respondent no. 2-UPSPCB is directed to undertake requisite study through subject experts to examine quality and fitness of ground water for use as drinking water, ascertain the causes of contamination of ground water, recommend remedial measures required to be taken and direct the concerned Authorities and the Project Proponents, as the case may be, to take the same.
- iv. Respondent no. 4-PPGCL is directed to ensure management and disposal of fly ash as per notifications issued by the MoEF & CC and guidelines issued by CPCB and UPSPCB.
- v. UPSPCB is directed to look into the aspect of requirement of installation of Dust Separation System and Dust Extraction system at additional points as recommended by the Joint Committee at the time of next inspection of PPGCL and UTCL and issue appropriate directions in this regard.
- vi. UPSPCB is directed to perform the ambient air monitoring at Berui village to ascertain the pollution level in referenced area and look into the cause if PM10 (ug/m3) in front of the house of the applicant, if the same is higher than PM10 (ug/m3) at other locations and suggest remedial measures, if any required.

क्रमशः2/-पर...

(2)

- vii. The Divisional Forest Officer, Prayagraj is directed to verify the factual position as to whether respondents No. 4- PPGCL and 5-UTCL have developed green belt on 33 % of the project area which is stated to be measuring about 400 acres and 6.6 hectares respectively as mandated by EC and CTE/CTO consent conditions and to submit report within one month specifying the deficiencies of green belt/plantation in terms of area, location, number and nature of species of trees and suggesting measures required to be taken by respondents No. 4-PPGCL and 5-UTCL for remedying deficiencies of green belt/plantation and the budget amount required for the same.
- viii. Respondents no. 4-PPGCL and 5-UTCL are directed to ensure that such deficiencies of green belt/plantation so mentioned in the report of the Divisional Forest Officer, Prayagraj are remedied so that requisite green belt/plantation of requisite width around the periphery of the plants and over 33 % of the project area is raised during forth coming monsoon season and to file compliance report in this regard within four months.
- ix. Respondent No. 4 PPGCL is directed to take over the responsibility of maintenance, operation, payment of electricity bills, regulation of quality of water to be supplied and other decisions in respect ROs installed by it under its Corporate Social Responsibility and meet the requisite expenses out of its CSR fund and to file separate compliance report in this regard within two months.

84. Reports as mentioned above be filed by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions.

85. The application is disposed of with the directions as mentioned above while leaving the parties to bear their own costs....."

प्रश्नगत प्रकरण पर मा0 अधिकरण में सुनवाई दिनांक 15.01.2025 को की गयी। मा0 अधिकरण द्वारा निम्नवत् आदेश पारित किया गया :-

.....5. The Registry is directed to issue notices to the respondents to show cause as to why appropriate action be not taken in terms of above mentioned provisions and also requiring them to file their reports 5 mentioning the steps taken in compliance with Judgment dated 22.05.2024.

6. List for further consideration 21.02.2025."

क्रमशः3/-पर....

(2)

प्रश्नगत प्रकरण में सदस्य सचिव, उ० प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ प्रतिवादी संख्या 02 के रूप में तथा जिला मजिस्ट्रेट, प्रयागराज प्रतिवादी संख्या 03 के रूप में है। प्रश्नगत प्रकरण में मा० एन०जी०टी० द्वारा समस्त प्रतिवादी को दिनांक 31.01.2025 को नोटिस जारी की गयी है तथा मा० अधिकरण द्वारा पारित आदेश में नियत तिथि से एक सप्ताह पूर्व रिस्पॉंस रिपोर्ट मा० अधिकरण में दाखिल की जानी है।

मा० अधिकरण द्वारा पारित उक्त आदेश के अनुपालन में प्रश्नगत प्रकरण की जाँच हेतु निम्नवत् सदस्यों टीम का गठन किया जाता है:-

1. उप जिलाधिकारी, बारा, प्रयागराज।
2. प्रभागीय निदेशक अथवा उप प्रभागीय वनाधिकारी, सामाजिक वानिकी वन प्रभाग, प्रयागराज।
3. श्री कौशल कुमार, सहायक पर्यावरण अभियंता, उ० प्र० प्रदूषण नियंत्रण बोर्ड, प्रयागराज।

समिति के उक्त सभी सदस्यों को निर्देशित किया जाता है कि प्रश्नगत प्रकरण की जाँच कर आख्या एक सप्ताह के अंदर अधोहस्ताक्षरी को प्रस्तुत करना सुनिश्चित करें।

संलग्नक-उपरोक्त।

(रविन्द्र कुमार माँदड़)  
जिलाधिकारी, प्रयागराज

पु०सं० एवं दिनांक : उपरोक्त।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. सदस्य सचिव, उ० प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
2. अपर जिलाधिकारी (प्रशासन), प्रयागराज।
3. क्षेत्रीय अधिकारी, उ० प्र० प्रदूषण नियंत्रण बोर्ड, प्रयागराज।
4. समिति के सदस्यों को अनुपालनार्थ।

(रविन्द्र कुमार माँदड़)  
जिलाधिकारी, प्रयागराज