

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

MA NO. 142/2024

IN

ORIGINAL APPLICATION NO. 458/2022

IN THE MATTER OF:

SHESHAN TYAGI

.....APPLICANT(s)

VERSUS

STATE OF UTTAR PRADESH & OTHERS RESPONDENT(s)

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3.	COPY OF THE LETTER DT. 16.12.2024 ATTACHED HEREWITH AS ANNEXURE A-2	
4.	COPY OF THE SHOW CAUSE NOTICE DT. 29.01.2025 ATTACHED HEREWITH AS ANNEXURE A-3	

THROUGH

A handwritten signature in black ink, appearing to read 'Bhanwar Pal Singh Jadon', written over a circular stamp or mark.

BHANWAR PAL SINGH JADON

STANDING COUNSEL FOR STATE OF UTTAR PRADESH

EMAIL- bhanwar09jadon@gmail.com

DATE: 06.02.2025

PLACE: NOIDA

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

M.A. No. 142/2024

IN

ORIGINAL APPLICATION NO. 458/2022



IN THE MATTER OF:

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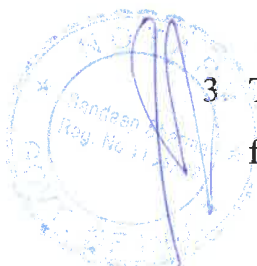
STATE OF UTTAR PRADESH & OTHERS

.....RESPONDENT(s)

**COMPLIANCE AFFIDAVIT ON BEHALF OF DISTRICT
MAGISTRATE, GHAZIABAD IN COMPLIANCE OF THE ORDER DT.
18.12.2024 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL**

I, Deepak Meena, aged about 38 years, S/o R.C. Meena, posted as District Magistrate, Ghaziabad, do hereby solemnly affirm and state as under:

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and am competent and authorized to swear the present affidavit.
2. That I state that the contents of the affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.
3. That at the outset, the Deponent tenders an unconditional sincere apology for the delay that has occurred in the present matter. That the said delay



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was neither intentional nor deliberate. That the Deponent deeply regrets any inconvenience that may have arisen due to the same. However, the Deponent has taken appropriate action to ensure necessary compliance with respect to the matter. That the Deponent submits that all no such delays on the part of the Deponent would be repeated again and respectfully prays this Hon'ble Tribunal to accept the present apology.

4. That in the present matter, applicant has alleged complaint regarding the installation and operation of DG sets by M.R. Proview Realtech Pvt. Ltd. Developer of Officer's City 2, Raj Nagar Extension, Ghaziabad (herein referred to as "Project Proponent") in violation of the environmental norms causing environmental pollution.
5. That upon the directions of the Deponent in compliance of the Order dt. 25.11.2024 passed by this Hon'ble Tribunal, the Joint Committee comprising of the officers of Uttar Pradesh Pollution Control Board and Additional District Magistrate, Ghaziabad visited the site in question on 16.12.2024. That an inspection report dt. 16.12.2024 with respect to the said inspection was prepared by the concerned officials and was filed before this Hon'ble Tribunal.

A Copy of the inspection report has been attached herewith as **ANNEXURE A-1**.

6. That the upon the directions of the Deponent, the Uttar Pradesh Pollution Control Board issued a letter dt. 16.12.2024 to the Project Proponent for the installation of dual fuel kit (70% PNG +30% HSD) or Retro Fitted Emission Control Device (RECD) as per the Direction No. 76 dt. 29.09.2023 issued by the Commission for Air Quality Management in National Capital Region and Adjoining Areas.



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A Copy of the letter dt. 16.12.2024 has been attached herewith as **ANNEXURE A-2.**

7. That in furtherance of the non-compliance of the aforementioned letter by the Project Proponent, the Uttar Pradesh Pollution Control Board upon the directions of the Deponent issued a Show Cause Notice dated 29.01.2025 to the Project Proponent. That in the said notice, an environmental compensation of **Rs. 65,70,000/- (Rupees Sixty-Five Lakhs Seventy Thousand Only)** was imposed upon the Project Proponent.

A Copy of the Show-cause notice dt. 29.01.2025 has been attached herewith as **ANNEXURE A-3.**

8. That a compliance affidavit on behalf of Uttar Pradesh Pollution Control Board has already been filed before this Hon'ble Tribunal highlighting the necessary actions taken by them upon the directions of the Deponent.

9. That in light of the above, the Deponent has ensured necessary compliance in strict adherence to the directions issued by the Hon'ble Tribunal.

10. Hence the present affidavit is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.

11. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.

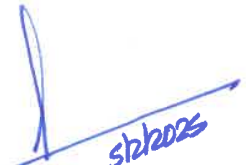


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DEPONENT

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VERIFICATION

Verified at Ghaziabad on this 5th day of February, 2025, that the contents of the above affidavit from paragraphs 1 to 11 are believed to be 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



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Inspection report in compliance of order dated 25.11.2024 issued by Hon'ble National Green Tribunal in Original Application No. 458/2022 Sheshan Tyagi Versus State of Uttar Pradesh with Original Application No. 460/2022 Gaurav Soni Versus State of Uttar Pradesh.

Hon'ble National Green Tribunal in Original Application No. 458/2022 Sheshan Tyagi Versus State of Uttar Pradesh & Original Application No. 460/2022 Gaurav Soni Versus State of Uttar Pradesh has passed following order dated 25.11.2024:-

".....3. Order shows that joint Committee was constituted comprising UPPCB and District Magistrate, Ghaziabad and it was required to verify factual position, take remedial action and submit compliance report with Registrar General of the Tribunal within two months.

4. However, till date, the said order dated 29.07.2022 has not been complied with and no such report has been received by this Tribunal though more than an year has passed. This conduct on the part of authorities concerned cannot be appreciated and it amounts to fragrant

5. However, before proceeding further in the matter, we find it appropriate to grant one more opportunity to concerned authorities and direct the above joint Committee to submit the report as directed by order dated 29.07.2022 within two weeks failing which Member Secretary, UPPCB and District Magistrate, Ghaziabad shall appear in person on the next date....."

Action Taken:

In compliance of above order the joint committee comprising following officers visited the site in question on dated 16.12.2024 in presence of Shri Surya Kant Sharma, Project Manager of M/s M.R. Proview Realtech Pvt. Ltd., (Officer City-

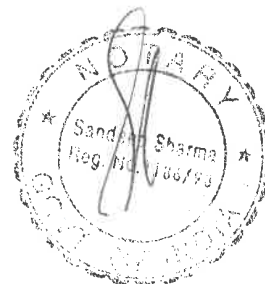
2), Rajnagar Extension, Ghaziabad:-

- 1- Additional District Magistrate (City), Ghaziabad.
- 2- Shri Vipul Kumar, AEE, UPPCB, Ghaziabad.
- 3- Shri Anshul Sharma, AEE, UPPCB, Ghaziabad.



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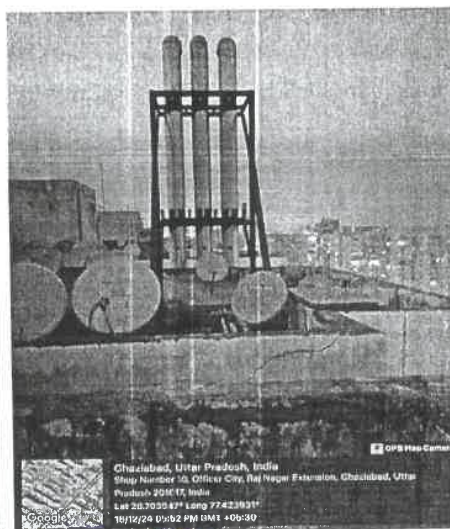
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Observations:-

- I. There are total two DG sets having capacity 500 KVA and 250 KVA respectively for uninterrupted power supply in case of power failure.
- II. Both DG sets are equipped with acoustic enclosure with stack height of 08 meters above roof top of building, which is adequate as per norms specified by CPCB. Copy of same is annexed as **Annexure-I**.
- III. As per unit representative both dg sets have to be converted into dual fuel (70% PNG + 30% HSD) but at the time of inspection no evidence/work order is provided by representative of M/s M.R. Proview Realtech Pvt. Ltd., (Officer City-2), Rajnagar Extension, Ghaziabad.
- IV. As per direction No-76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets, both DG sets should be converted into dual fuel (70% PNG + 30% HSD) or Retro Fitted Emission Control Device (RECD) should be installed. Copy of same is annexed as **Annexure-II**.
- V. Photographs taken during inspection is as follows:-



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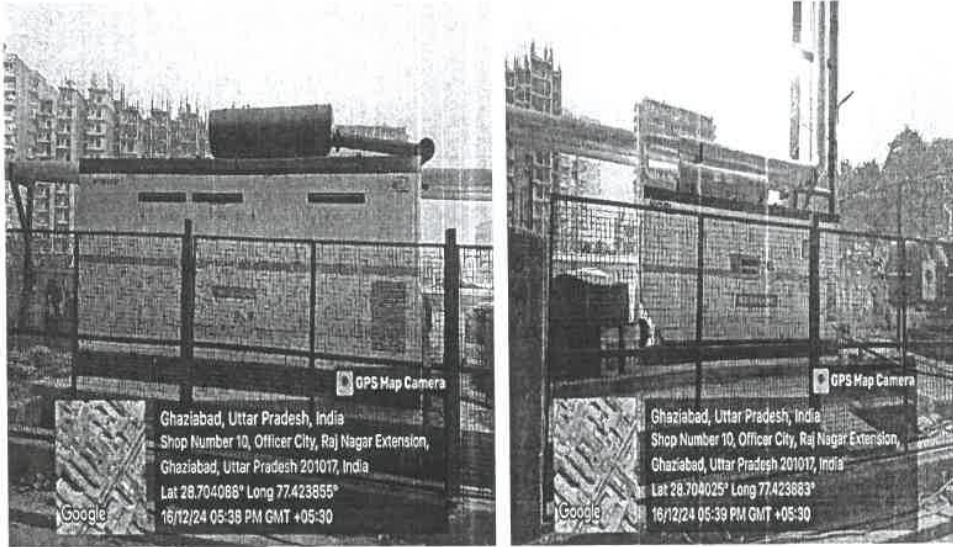
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Recommendation:

1. Project must ensure installation of dual fuel kit (70% PNG + 30% HSD) or Retro Fitted Emission Control Device (RECD) in compliance of direction No-76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets.
2. Project proponent should obtain consent to operate from UPPCB under the Water (Prevention Control of Pollution) Act. 1974 and Air (Prevention Control of Pollution) Act. 1981.
3. Environmental Compensation (EC) should be imposed against project proponent for non-compliance of direction No-76 as per "Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission"

The above report is being submitted for kind consideration of Hon'ble Tribunal.

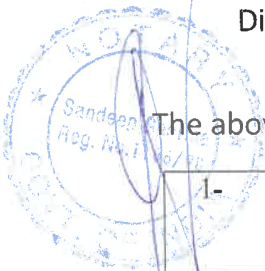
1-	Additional District Magistrate (City), Ghaziabad.	
2-	Shri Vipul Kumar, AEE, UPPCB, Ghaziabad.	
3-	Shri Anshul Sharma, AEE, UPPCB, Ghaziabad.	

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EMISSION REGULATIONS
Part IV

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**Central Board for the Prevention
And
Control of Water Pollution
New Delhi**

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EMISSION REGULATIONS
Part IV



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**Central Board for the Prevention
And
Control of Water Pollution**

'Skylark' Building 60, Nehru Place, New Delhi



PREFACE

There is a need for evolving emission standards specifically for small boilers, incinerators and diesel generator sets, because these are after located near residential areas, and in industrial areas of metropolition cities. The standards proposed in the following pages meet this need. The standards are intended to be reviewed in June, 1989, based on the results obtained till then.

As prescribed in the Section 17(1)(g) of the Air (Prevention And Control Of Pollution) Act, 1981, the standards are to be laid down by the State Pollution Control Boards. The State Boards may adopt standards that are more stringent than those given herein depending upon the location of the industries, specially if it is in a protected area for instance in the Agra-Mathura trapezium. The State Boards would not, however, relax the standards.

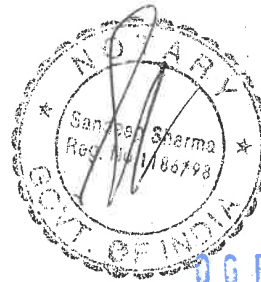
Comments are-solicited on the suggested standards.

PARITOSH C. TYAGI
Chairman

ENVIS Centre, CPCB (www.cpcbenvis.nic.in)

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BOILER EMISSIONS

- 1 At present the emission standards covering boilers are given under "Thermal Power" in Emission Regulations, Part-I. These are for particulate matter and are as follows:

BOILER SIZE	Less than 200 MW
PROTECTED AREA	150 mg/Nm ³
OTHER AREA	
Old (Before 1979)	600 mg/Nm ³
New (After 1979)	350 mg/Nm ³

This means that this standard is applicable for boilers of sizes down to the package-type. It also implies that emission control is through the use of the electrostatic precipitator. Both of these need to be clarified.

- 1.1 The control of gaseous emissions from boilers is through the stack height given by $H = (Q)^{0.3}$ where Q is the emission of sulphur dioxide in kg/hr. A requirement of 30 meters is for industries in the Schedule. This is probably too tall for the small boilers.

There appears to be a need for correcting the situation, in view of the clarifications sought from the state boards, from industry and also from boiler manufacturers.



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2. **THE FOLLOWING IS THEREFORE ADOPTED :**

Boilers are classified according to their steam generation capacity. The relation between the boiler and the industry size is given below :

Category	Steam Generation Capacity	Size Of Industry
I	Less than 2 ton/hr	Very small manufacturers
II	2 to 15 ton/hr	Package boiler range for small scale industries.
III	More than 15 ton/hr	Site-erected boiler for medium scale industries.

2.1 It is further adopted that category I boilers should have cyclones attached to them. The cost of a 2 ton/hr boiler and accessories is about 5 lakhs while the cyclone cost would be around Rs. 50,000/-. Category II boilers should have multiclones. The 10 ton/hr boiler cost with accessories is about 50 lakhs while the multiclone cost is Rs. 1.5 lakhs. Category III boilers should have bag filters.

A 15 ton/hr boiler with accessories costs between 75 lakhs and 1.1 crore while the bag filter cost is about 12 lakhs. A boiler of 35 ton/hr with accessories costs 1.4 to 2.2 crores while the bag filter cost is about 25 lakhs. The variation in the cost of the boiler is dependent on the type of steam required. The cost of the control equipment works out to 10% or less of the cost of the boiler with accessories, in each category.

The corresponding emissions for categories I, II and III are 1600 mg/Nm³, 1200 mg/Nm³ and 150 mg/Nm³ respectively.

2.2 **THE PROPOSAL CAN BE SUMMARISED AS FOLLOWS :**

Capacity Of Boiler	Control Device	Coal Consumption	Required Particulate Emission*
Less than 2 ton/hr	Cyclones	8.5 MT/day	1600 mg/Nm ³
2 to 15 ton/hr	Multiclones	8.5 to 64 MT/day	1200 mg/Nm ³
More than 15 ton/hr	Bag filters	More than 64 MT/day	150 mg/Nm ³

*All emissions normalized to 12 percent carbon dioxide.

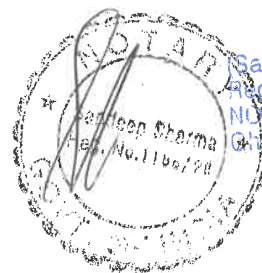
This requirement is applicable for boilers using any type of solid fuel. For liquid fuels such as furnace oil or LSHS, the control would be through the stack height covered under 4.0. Fluidized bed fired boilers would be fitted with bag filters or electrostatic precipitators. Incinerators shall be fitted with multiclones.

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ASSUMPTIONS

The sulphur dioxide emitted from the stacks would be proportional to the coal consumption. The following assumptions have been made:

- i. 1 MW of electricity generation is equivalent to 7.0 ton/hr of steam generation.
 - ii. 1 MW of electricity generation requires 30 MT of coal per day.
- 1 These figures have been obtained from Thermal Power Stations using pulverized coal as fuel. Assuming that 1 ton/hr of steam generation requires 5.0 MT of coal per day, the figure taken from pulverized fuel-fired thermal power stations appears to be conservative by approximately 16%. This is as expected—pulverized coal would be a more efficient source of energy than lumps.



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STACK HEIGHT

4 The coal requirement for the steam generating boiler is more conservative, as indicated above, than for thermal power plant boilers. The stack heights are correspondingly lower. It is expected that the temperature of the exit gases gives an additional plume rise and, therefore, an increase in the effective stack height. These two opposing effects are likely to balance out. The stack height calculated for coal-fired boilers is given below, using the formula arrived from using the Gaussian Plume Model and published in Emission Regulation Parts I and II, namely:

$H=(14Qg)^{0.75}$ where H is the physical height of the stack and Qg is the emission of sulphur dioxide in kg/hr.

4.1 Steam Generation Capacity	Coal Consumed	Stack Height
Less than 2 ton/hr	8.5 MT/day	2 & 1/2 times the neighbouring building height or 9 meters (whichever is more)
More than 2 ton/hr to 5 ton/hr	8.5 MT/day to 21 MT/day	12 m
More than 5 ton/hr to 10 ton/hr	21 MT/day to 42 MT/day	15 m
More than 10 ton/hr	42 MT/day to 64 MT/day	18 m
More than 15 ton/hr to 20 ton/hr	64 MT/day to 104 MT/day	21 m
More than 20 ton/hr to 25 ton/hr	104 MT/day to 105 MT/day	24 m
More than 25 ton/hr to 30 ton/hr	105 MT/day to 126 MT/day	27 m
More than 30 ton/hr	More than 126 MT/day	30 m (whichever is more) or using formula $H=14(Q)^{0.75}$

4.2 For industrial furnace and kiln applications, that is for devices other than boilers for steam and power generation, the criteria for selection of equipment would be based on coal usage. This would be as given in 2.2 above. The stack height shall follow the norms given in 4.1.

4.3 These specifications apply to existing as well as new industries. Existing industries will have to carry out necessary modifications to their plants to accommodate new chimneys and control equipment.

4.4 The industries which install facilities for removal of particulates or gaseous emissions to adhere to the limits prescribed, then the stack height H, can be relaxed to $H=(Q)g^{0.75}$ where Qg=amount of gaseous emissions (para 4.0) in kg/hr. In case of particulates, when controlled to the limits specified in 2.2, then stack height can be relaxed to $H=74(Q)^{0.75}$ where Qp is the particulate emission in tonnes/hr.

4.5 Minimum height of stack in all cases shall be 9.0 M. (30 ft) or as calculated by the relevant formula, whichever is more.

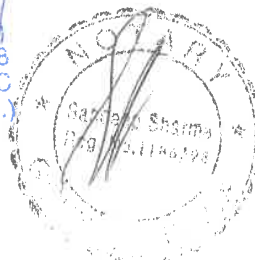
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DIESEL GENERATOR SETS

The minimum height of stack to be provided with each generator set can be worked out by using the following formula :—

$H=h+0.2 \text{ KVA}$

H=Total height of stack in meter

h=height of the building in meters where the generator set is installed.

KVA=Total generator capacity of the set in KVA

Based on the above formula the minimum stack height to be provided with different range of generator sets may be categorised as follows :

For Generator Sets	Total Height Of Stack in Meter
50 KVA	Ht. of the building + 1.5 meter
50-100	Ht. of the building + 2.0 meter
100-150 KVA	Ht. of the building + 2.5 meter
150-200 KVA	Ht. of the building + 3.0 meter
200-250 KVA	Ht. of the building + 3.5 meter
250-300 KVA	Ht. of the building + 3.5 meter

Similarly for higher KVA ratings a stack height can be worked out using the above formula.

The stack height for generators was originally evolved for those to be used in the metropolitan area of Delhi. The objective was to avoid the problem of road side discharge from stacks and build-up of pollutants in the ambient air. However, due to shortage of power, factories have installed diesel-based power generating (DG) sets. Many of the factories are away from metropolitan or urban areas where standards covered in 5.1 would appear stringent. It is also expected that a DG set is a stand-by used only during power breakdowns. For both these reasons, the relaxation in the height of the stack from ground level is made to two and a half times the building height. This building may be either the one in which the DG set is housed or a building, with people working, within the premises of the factory. This is also applicable for oil-fired furnace, engines and equivalent

The State Pollution Control Board would decide if the plant is sufficiently removed from urban residential or commercial areas so that this relaxation from 5.1 is applicable.

It is evident that the stack requirement for coal-fired boilers is more than that required for DG sets. This is necessary because ambient values for sulphur dioxide and nitrogen oxides indicate stricter for sulphur dioxide.

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|-----|---|-----------|
| 2. | Basin Sub-Basin Inventory of Water Pollution The Ganga Basin Part One : The Yamuna Sub-Basin : ADSORBS/2/1978-79. | Rs. 100/- |
| 3. | Scheme for Zoning and Classification of Indian Rivers Estuaries and Coastal Waters (Pt. One : Sweet Water) : ADSORBS/3/1978-79. | Rs. 40/- |
| 4. | Comprehensive Pollution Survey and Studies of Ganga River Basin in West Bengal : ADSORBS/4/1980-81. | Rs. 200/- |
| 5. | Union Territory of Goa, Daman and Diu (Dist. Goa) Abridged : ADSORBS/5/1982-83. | Rs. 50/- |
| 6. | Stream Water Quality in Major Rivers (Gujarat State) During Biennium 1979-80 Survey : ADSORBS/6/1982-83. | Rs. 50/- |
| 7. | Ganga Basin Report (Part II-Entire Ganga Basin) : ADSORBS/7/1982-83. | Rs. 500/- |
| 8. | Ionic Balance of Water Quality at Utterakhand Ganga forming tributaries : ADSORBS/9/1982-83. | Rs. 50/- |
| 9. | Water Pollution from Mass-Bathing A Case Studies in Ganga : ADSORBS/8/1983-84. | Rs. 100/- |
| 10. | Basin Sub-Basin Inventory of Water Pollution : The Brahmaputra Basin Part-I : The Dilli-Disang Sub-Basin : ADSORBS/11/1983-84. | Rs. 25/- |
| 11. | Water Quality Monitoring : An Indian Experience : ADSORBS/12/1984-85. | Rs. 20/- |
| 12. | Quality and Trend of River Yamuna 1977-82 Assessment and Development Study of River Basin: ADSORBS/10/1982-83. | Rs. 50/- |
| 13. | River Basins Atlas : ADSORBS/13/1984-85. | Rs. 550/- |
| 14. | Dry Study of Damoder River Basin : ADSORBS/14/1985. | *U/P |
| 15. | Subamarkha Dry Study : ADSORBS/15/1985. | *U/P |

COASTAL POLLUTION CONTROL SERIES

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|----|---|----------|
| 1. | Use Classification of Indian Coast and Conflicts Part-I : Tamil Nadu Coast COPOCS/1/1982-83. | Rs. 50/- |
| 2. | Use Classification of India Cost and Conflicts Part-II, Kanya Kumari to Goa : COPOCS/2/1984-85. | |
| 3. | Use Classification of Indian Coast and Conflicts Part III-North East Coast : COPOCS/3/1985-86. | *U/P |

RESOURCE RECYCLING SERIES

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| 2. | Limdane Analysis by Gas Chromatograph Technique : LATS/2/1985-86. | Rs. 25/- |
| 3. | APAC-MIBK/NITRIC Acid Extraction System for the Determination of Dissolved Metals in Saline Waters Using Atomic Absorption Spectrophotometer : LATS/3/1985-86. | Rs. 25/- |

CENTRAL BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION

5TH & 6th Floors, Skylark Building
60, Nehru Place, New Delhi-110 019

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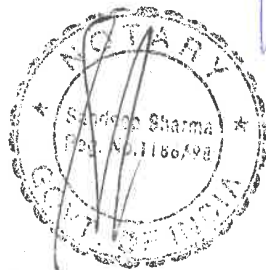
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17 DEC 2024

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Direction No. 76

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001

F. No. A-11018/01/ 2021-CAQM/15322-15331

Dated: 29.09.2023

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 – Review of regulations for use of DG sets in NCR.

WHEREAS, Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, has constituted the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the Commission);

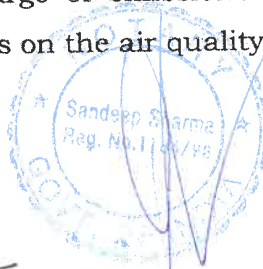
WHEREAS, under Section 12 (1) of the Act, the Commission is vested with powers to take all such measures, issue directions, etc., as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas;

WHEREAS, Section 12 (2) (ix) of the Act empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

WHEREAS, Section 12(2)(iv) of the Act empowers the Commission to lay down parameters for discharge of emissions from various sources whatsoever that have implications on the air quality in the region;

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WHEREAS, Section 12(2)(v) of the Act also empowers the Commission to impose restrictions and regulate operations or processes that have implications on air quality in the region;

WHEREAS, the Commission has repeatedly taken up the matter relating to air pollution with the State governments of Haryana, Rajasthan, Punjab, Uttar Pradesh and Government of NCT of Delhi and various organizations concerned of the Central and State Governments/ GNCTD and has issued various Directions, Advisories and Orders for effective implementation of measures for abating air pollution in NCR, from time to time;

WHEREAS, the Commission has observed and has been sensitizing all stakeholders that, amongst others, large-scale unregulated use of Diesel Generator (DG) sets is a major contributing factor for deterioration of air quality in the region;

WHEREAS, in wake of generally prevailing adverse air quality in NCR during the winter season, the Commission, through directions No. 54-57 dated 08.02.2022, followed by Direction No. 68 dated 14.09.2022 and its related orders called for regulated use of DG Sets in the NCR, particularly during the periods of restrictions under the GRAP, subject to adopting emission control measures /devices/ systems such as retrofitted Emission control devices (ECDs) and dual fuel mode (gas and diesel), amongst other means of emission control;

WHEREAS, large number of DG sets operating in the region, even during the periods other than restrictions under the GRAP, cause heavy air pollution and are a matter of concern and thus, with a view to regulating the use of DG Sets even for such periods, the Commission issued Direction No. 71 for expeditious conversion of DG Sets to dual fuel mode, in areas where gas infrastructure and supply is available;

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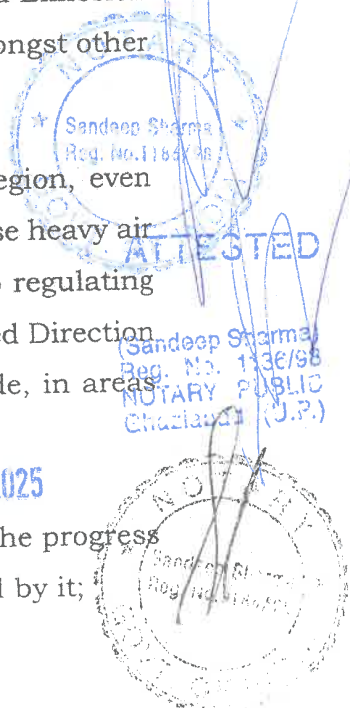
WHEREAS, the Commission from time to time reviewed the progress and status of this matter, in line with various directions issued by it;

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WHEREAS, the Commission revisited / reviewed some provisions of the extant directions on the regulated use of DG sets and issued a revised Direction No. 73 dated 02.06.2023, to be applicable across all sectors in the NCR including Industrial, Commercial, Residential and Office establishments etc., as well as permitting more time to implement the schedule w.e.f. 01.10.2023.

WHEREAS, preparatory actions were initiated by various stakeholders towards emission control from DG sets through retro-fitted ECDs and / or dual fuel systems, a number of representations were still being made to the Commission, including deliberations / meetings with various stakeholders in this context, wherein the following were highlighted:

- i. Issues related to availability of certified RECDs and agencies for all capacity ranges and vintages of DG sets.
- ii. Issues related to availability / delays in PNG infrastructure and supply, purely for DG sets.
- iii. Techno-commercial issues, logistics and time involved for fitment of RECDs / conversion to dual fuel mode.
- iv. Issues related to availability of DG sets to the latest standards as in MoEFCC notification No. GSR 804(E) dated 03.11.2022 (CPCB-IV).
- v. No means for emission control in under 19 kW capacity range of DG sets (neither RECDs nor dual fuel mode are available / suited).
- vi. Issues related to use of DG sets for emergency services.

Owing to the above, a number of stakeholders broadly requested for the following:

- (a) Extension of the deadline of 30.09.2023, as laid down in Direction No. 73, by about 3 months.
- (b) Stipulating a condition of '**OR**' instead of '**AND**' towards fitment of RECDs and conversion to dual fuel system, for all categories of DG sets above 19kW capacity.
- (c) Permitting DG Sets of >800 kW capacity to be run uninterruptedly for the durations of power supply failure, subject to compliance of

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standards as in Direction No. 73 dated 02.06.2023, even during restrictions under GRAP.

- (d) Permitting such DG sets of < 125 kW capacity to be run for emergency services, even during the restrictions under the GRAP, where either certified ECDs are presently not available at all or where gas infrastructure and supply is also not available to enable running them in a dual fuel mode.

NOW, THEREFORE, in due consideration of the contentions and submissions made by various stakeholders, issues in ground level implementation, availability of RECDs / dual fuel systems / new gensets to CPCB -IV standards and various other techno-commercial considerations put forth by them, the Commission, pursuant to a comprehensive review and in supersession of all extant directions / orders / guidelines on the regulations for DG sets, now directs for adoption of the following Schedule for regulated operations of DG sets (only as a backup against regular power supply failures) across all sectors in NCR including Industrial, Commercial, Residential and Office establishments etc.:

S. No.	Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
1.	Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions (Even periods during under GRAP)
2.	Power generating sets of all capacities up to 800 kW to standards as per MoEFCC notification No. GSR 804(E) dated 03.11.2022	None	No restrictions. (Even periods during under GRAP)

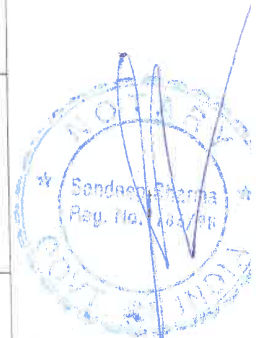
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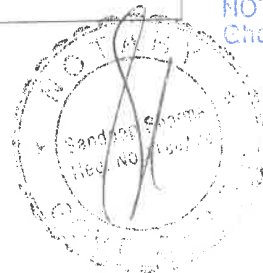
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3.	800 kW and above	Any emission control mechanism, strictly subject to compliance of emission standards as indicated below. *	No restrictions (Even during periods under GRAP)
4.	125 kW to less than 800 kW	Dual fuel mode OR Retro-fitted ECDs through certified vendors / agencies	No restrictions (Even during periods under GRAP)
5.	19 kW to less than 125 kW	Dual fuel mode	No restrictions (Even during periods under GRAP) DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for emergency services as stipulated in this direction.
6.	Portable DG sets (below 19 kW)	Presently no specific means of emission control are available in this category / capacity range of DG sets.	No restrictions during the periods, other than restrictions under GRAP. Not to be generally permitted during periods of restriction under GRAP. These shall, however, be permitted even during periods under GRAP only for emergency services as stipulated in this direction.

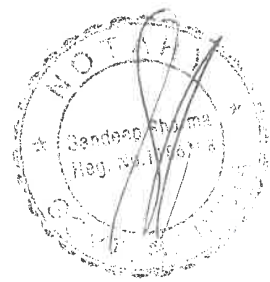


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***Standards for stack emissions for 800 kW and above capacity DG sets**

S.No	Parameter	Emission Standards
i.	PM (at 15% O ₂)	50 mg / Nm ³
ii.	NO _x (at 15% O ₂)	650 mg / Nm ³
iii.	CO (at 15% O ₂)	100 mg / Nm ³
iv.	Minimum DG Stack height	30 meters OR minimum 6 meters above the height of the building where DG set is installed, whichever is higher. For example , if the building height where such DG set is installed is 20 meters, minimum stack height for DG set should be 30 meters from ground level; While, if the building height itself is 27 meters, the minimum stack height for the DG set should be 33 meters from the ground level.

The regulated schedule for operation of DG sets issued vide Direction No. 73 dated 02.06.2023 comes to effect from 01.10.2023. The revised schedule as above further eases out the means of implementation and addresses practical difficulties and techno-commercial concerns of various stakeholders and thus the revised schedule for regulation of DG sets would be in force in the entire NCR w.e.f. 01.10.2023.

Notwithstanding the revised schedule as above, in the interest of not disrupting emergency services and permitting sufficient time for adopting the stipulated emission control mechanism in such existing DG Sets, the Commission, hereby, as a one-time exception, permits DG Sets for all capacity ranges (which have still not been equipped with emission control devices / systems as per the above noted schedule), to be run only for emergency services in the NCR as listed below, even under periods of restrictions under the GRAP, **only up to 31.12.2023** and strictly subject to adherence to the above noted schedule / measures for emission control thereafter:

- ATTESTED** (i) Elevators / Escalators / Travelators etc. in various installations; Commercial entities / residential societies shall, however, ensure that operation of DG sets and supply

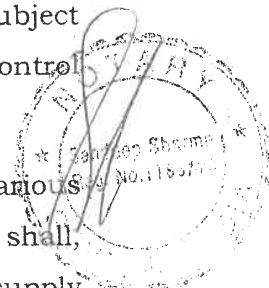
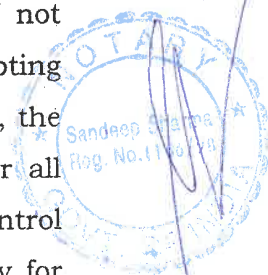
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therefrom is purely limited to operation of elevators / escalators / travelators etc. and not for any other activities of commercial entities / residential societies.

- (ii) Medical Services (Hospital/Nursing Home/Health care facilities) including units involved in manufacturing of life saving medical equipment/devices, drugs and medicines.
- (iii) Railway Services / Railway Stations.
- (iv) Metro Rail Corporation & MRTS Services, including trains and stations.
- (v) Airports and Inter-State Bus Terminals (ISBTs).
- (vi) Sewage Treatment Plants.
- (vii) Water pumping Stations.
- (viii) Projects related to national security, defence & of national importance.
- (ix) Telecommunications and IT/ data services.

It is further reiterated that appropriate emission control mechanism shall be put in place on or before 31.12.2023, in respect of DG sets being used in above listed emergency services, to avoid action under the relevant provisions of laws / rules / regulations / directions etc., thereafter.

NCR State PCBs/ DPCC shall ensure compliance of above noted directions and regularly monitor the field level implementation.

— sd —
(Arvind Nautiyal)
Member- Secretary

To

1. The Chief Secretary, Government of NCT of Delhi
2. The Chief Secretary, Government of Haryana
3. The Chief Secretary, Government of Rajasthan
4. The Chief Secretary, Government of Uttar Pradesh

Copy to:

1. Chairman, DPCC
2. Chairman, HSPCB
3. Chairman, RSPCB
4. Chairman, UPPCB
5. Chairman, CPCB.
6. The Chairperson and all Members, CAQM.



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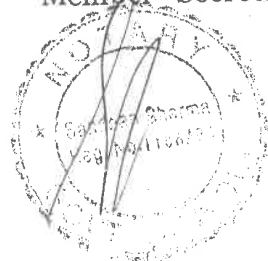
— sd —
(Arvind Nautiyal)
Member- Secretary

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क्षेत्रीय कार्यालय-उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.com, e-mail: roghaziabad@uppcb.in

संदर्भ संख्या : 2139/L/M-429/2024

दिनांक 16/12/2024

पंजीकृत

मैसर्स एम0आर0 प्रोव्यू रियलटैक प्रा0लि0
(ऑफिसर सिटी-2), राजनगर एक्सटेंशन,
गाजियाबाद।

विषय: राष्ट्रीय राजधानी क्षेत्र एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग, नई दिल्ली द्वारा डी0जी0 सेट संचालन के सम्बन्ध में जारी निर्देश संख्या-76 के अनुपालन के सम्बन्ध में।

उपरोक्त विषयक का संदर्भ ग्रहण करें। अवगत हो कि राष्ट्रीय राजधानी क्षेत्र एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग, नई दिल्ली द्वारा डी0जी0 सेट संचालन के सम्बन्ध में जारी निर्देश संख्या-76 जारी किया गया है, छायाप्रति संलग्न है। अग्रेतर मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 458/2022 Sheshan Tyagi Versus State of Uttar Pradesh with Original Application No. 460/2022 Gaurav Soni Versus State of Uttar Pradesh में पारित आदेश दिनांक 25.11.2024 के अनुपालन में गठित संयुक्त समिति द्वारा आपकी परियोजना के निरीक्षण दिनांक 16.12.2024 के समय पाया गया कि आप द्वारा परियोजना में स्थापित कुल 02 डी0जी0 सेटस क्षमता क्रमशः 500 के0वी0ए0 एवं 250 के0वी0ए0 पर नियमानुसार ड्यूल फ्यूल किट अथवा आर0ई0सी0डी0 की स्थापना नहीं की गयी है, जो कि राष्ट्रीय राजधानी क्षेत्र एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग, नई दिल्ली द्वारा डी0जी0 सेट संचालन के सम्बन्ध में जारी निर्देश संख्या-76 का स्पष्ट उल्लंघन है।

अतः आपको निर्देशित किया जाता है कि आप द्वारा परियोजना में स्थापित कुल 02 डी0जी0 सेटस क्षमता क्रमशः 500 के0वी0ए0 एवं 250 के0वी0ए0 पर नियमानुसार ड्यूल फ्यूल किट अथवा आर0ई0सी0डी0 की स्थापना के सम्बन्ध में प्रस्तावित क्रियान्वयन कार्यक्रम एवं दिनांक 01.10.2023 से वर्तमान तक डी0जी0 सेटस के संचालन के सम्बन्ध में लॉगबुक की सत्यापित प्रति पत्र प्राप्ति के 03 दिवस में इस कार्यालय को प्रेषित करना सुनिश्चित करें, अन्यथा उल्लंघन की दशा में सी0ए0क्यू0एम0 द्वारा जारी निर्देश संख्या-76 का अनुपालन न किये जाने के दृष्टिगत डिफाल्टर अवधि हेतु परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की कार्यवाही प्रारम्भ कर दी जायेगी, जिसका समस्त उत्तरदायित्व परियोजना के स्वयं का होगा।

संलग्नक: उपरोक्तानुसार।



क्षेत्रीय अधिकारी

प्रतिलिपि:

1. मुख्य पर्यावरण अधिकारी, वृत्त-1, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।
2. विधि अधिकारी-प्रथम, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

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क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई0एन0एस0-2, सेक्टर-16, वसुन्धरा, गाजियाबाद। दूरभाष-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010



उ० प्र० प्रदूषण नियंत्रण बोर्ड,

टी०सी०-12 वी, विभूति खण्ड,
गोमती नगर, लखनऊ

पत्रांक: H23392 / सी-1 / सा०-1054 / पर्या०क्षरित० का०ब०-गो० / 2025

दिनांक: 29-1-25

मै० एम०आर० प्रोव्यू रियलटेक प्रा०लि०,
खसरा नं०-1048मि०, 1049मि०, 1059मि०, 1069मि०, 984, 985 व 986मि०,
ग्राम-नूरनगर, राजनगर एक्सटेंशन,
गाजियाबाद।

मा० एन०जी०टी० में योजित एम०ए० संख्या-142/2024 ओ०ए० सं०-485/2022 Sheshan Tyagi vs State of UP में पारित आदेश दिनांक-25.11.2024 का संदर्भ ग्रहण करने का कष्ट करे। उक्त आदेश के मुख्य अंग निम्नवत् है-
".....5. However, before proceeding further in the matter, we find it appropriate to grant one more opportunity to concerned authorities and direct the above Joint Committee to submit the report as directed by order dated 29.07.2022 within two weeks failing which Member Secretary, UPPCB and District Magistrate, Ghaziabad shall appear in person on the next date....."

उक्त आदेश के अनुपालन में गठित संयुक्त समिति द्वारा दिनांक-16.12.2024 को प्रश्नगत ग्रुप इन्फ्रिंग परियोजना मै० एम०आर० प्रोव्यू रियलटेक प्रा०लि०, खसरा नं०-1048मि०, 1049मि०, 1059मि०, 1069मि०, 984, 985 व 986मि०, ग्राम-नूरनगर, राजनगर एक्सटेंशन, गाजियाबाद का संयुक्त निरीक्षण किया गया तथा संयुक्त आख्या जिलाधिकारी गाजियाबाद के शपथ-पत्र दिनांक-17.12.2024 के माध्यम से मा० अधिकरण के समक्ष प्रेषित की गयी। संयुक्त समिति की आख्या में की गयी संस्तुति निम्नवत् है:-

1. Project must ensure installation of dual fuel kit (70% PNG + 30% HSD) or retrofitted emission control device in compliance of direction no. 76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets.
2. Project Proponent should obtain Consent to Operate from UPPCB under the Water (Prevention and Control) Act, 1974 and Air(Prevention and Control) Act, 1981.
3. Environmental Compensation should be imposed against Project Proponent for non-compliance of direction no. 76 as per "Standard Schedule for Environmental Compensation Charges in closure direction issued by the Commission"

उपरोक्त क्रम में क्षेत्रीय कार्यालय के पत्र दिनांक-16.12.2024 द्वारा परियोजना को नोटिस प्रेषित किया गया परियोजना द्वारा अपने प्रतिउत्तर दिनांक-08.01.2025 द्वारा 500 के०वी०ए० व 250 के०वी०ए० क्षमता के कुल 02 डीजे सेट्स पर ड्यूल फ्यूल किट की स्थापना किये जाने का प्रस्ताव दिया गया है।

उपरोक्तानुसार संयुक्त समिति द्वारा की गयी संस्तुति के अनुसार परियोजना के विरुद्ध अधिरोपित की जाने वाले पर्यावरणीय क्षतिपूर्ति की गणना निम्नानुसार है:-

(ii) Violation of Direction/Regulations on DG sets

Rate of EC charges for each DG sets for each day of violation-
Rs. 7,500/day for DG sets between 20-125 KW capacity
Rs. 15,000/day for DG sets >125 KW capacity but <800 KW capacity
Rs. 25,000/day for DG sets of 800 KW or higher capacity



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Note: For Violation of observed during the periods of restriction imposed under GRAP of EC shall be doubled

$$\begin{aligned} EC &= N \times (30000) + N \times (60000) \\ &= 137 \times 30000 + 41 \times 60000 \\ &= 41,10,000 + 24,60,000 \\ &= 65,70,000/- \end{aligned}$$

अतः क्षेत्रीय अधिकारी, गाजियाबाद की आख्या एवम् संस्तुति दिनांक-17.01.2025 एवम् उक्त पर सक्षम अधिकारी से प्राप्त अनुमोदनोपरान्त परियोजना के विरुद्ध दिनांक-01.01.2024 से दिनांक-28.12.2024 की डिफाल्टर अवधि के लिए पर्यावरणीय क्षतिपूर्ति अधिरोपित करने हेतु निम्न कारण बताओ नोटिस जारी किया जाता है:-

"यह कि क्यों न मा0 सी0ए0क्यू0एम0 द्वारा जारी निर्देश के अनुसार डी0जी0सेट 500 के0वी0ए0 व 250 के0वी0ए0 पर ड्यूल फ्यूल किट अथवा आर0ई0सी0डी0 की स्थापना किये बिना कुल-178 दिवस संचालन क्रिट जाने के दृष्टिगत दिनांक-01.01.2024 से दिनांक-13.10.2024 तक तथा ग्रैप अवधि दिनांक-14.10.2024 से दिनांक-28.12.2024 तक की अवधि में उल्लंघन के दृष्टिगत परियोजना के विरुद्ध रूपया-65,70,000/- (षष्ठ पैंसठ लाख सत्तर हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये?"

उक्त पर अपना पक्ष/स्पष्टीकरण 07 दिन के अन्दर राज्य बोर्ड को प्रेषित किया जाना सुनिश्चित कर अन्वय की स्थिति में परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व आपका स्वयं का होगा।

सक्षम अधिकारी की अनुमति से निर्गत।

(ए0के0 आनन्द)

पर्यावरण अभियन्ता, प्रभारी वृत्त-1

प्रतिलिपि :क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को सूचनार्थ एवम् आवश्यक कार्यवाही हेतु प्रेषित

पर्यावरण अभियन्ता, प्रभारी वृत्त-1



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