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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1002 OF 2018

ABHISHT KUSUM GUPTA

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS. ... RESPONDENT(S)

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DATE: 28.01.2026

PLACE: NEW DELHI



(RACHIT MITTAL)
ADVOCATE FOR THE
RESPONDENT/NOIDA
MZ-24 & 25, ANSAL FORTUNE
ARCADE, SECTOR 18,
NOIDA - 201301
9873997047

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1002 OF 2018

ABHISHT KUSUM GUPTA ... APPLICANT
VERSUS

STATE OF UTTAR PRADESH & ORS. ... RESPONDENT(S)

AFFIDAVIT ON BEHALF OF THE RESPONDENT/ NEW
OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY
(NOIDA) FOR PLACING ON RECORD CERTAIN
DOCUMENTS IN COMPLIANCE OF ORDER DATED
11.11.2025 PASSED BY THIS HON'BLE TRIBUNAL



I, Ashok Kumar, S/o Shri Ram Raj, aged about 54 years, currently posted as Senior Manager, Jal-1 in the office of New Okhla Industrial Development Authority, Water Works Compound, Sector 5, Noida, presently at New Delhi, do hereby solemnly affirm and state as under:

A handwritten signature in blue ink, consisting of a stylized initial 'A' followed by a long horizontal line extending to the right.

1. That I am posted as Senior Manager, Jal-1 in the office of New Okhla Industrial Development Authority in the above-mentioned Application, having been authorized and well acquainted with the facts and circumstances of the case and hence competent to swear the present affidavit.
2. I say that the present affidavit is being filed in compliance of the order dated 11.11.2025 passed by this Hon'ble Tribunal wherein the Authority was directed to produce a copy of the Civil Appeal and concerned orders passed by Hon'ble Supreme Court.
3. I state that in compliance of the said Order, the Respondent/NOIDA begs to place on record the following:-



- A. A Copy of Civil Appeal No. 8547-8548 of 2022 filed before the Hon'ble Supreme Court is herewith annexed as **ANNEXURE-1**.
- B. A Copy of Orders Dated 28.11.2022, 09.04.2025, 20.05.2025, 13.08.2025, 08.10.2025, 19.11.2025, 03.12.2025, 21.01.2026, passed by the Hon'ble Supreme Court in Civil Appeal No. 8547-8548 of 2022 is herewith annexed as **ANNEXURE-2 (Colly)**.

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a horizontal line and a diagonal stroke.

- 4. That the contents of the affidavit are true and correct to the best of my knowledge and as derived from the records available which I believe to be true and correct.
- 5. That no material facts have been omitted or concealed therefrom.
- 6. That the accompanying annexures being enclosed herewith are true copies.

[Handwritten Signature]

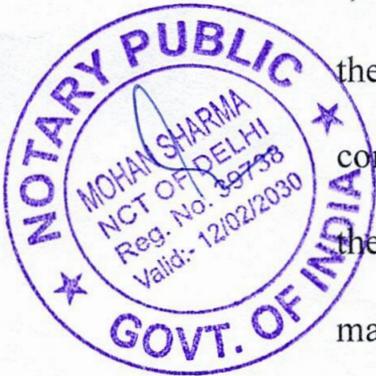
DEPONENT

VERIFICATION

I, the deponent hereinabove, do hereby verify and state that the contents of paragraphs 1 to 6 of the Affidavit are true and correct to the best of my knowledge and belief derived from the official record, and no part of it is false, and nothing material has been concealed therefrom.

28 JAN 2026

Verified and signed at New Delhi on 28th day of January, 2026.



CERTIFIED THAT THE DEPONENT
 Shri / Smt. / Kmt. *Chhote Anwar*
 S/o, W/o, D/o *Raw Lal*
 Identified by *Lachhi Mukherjee*
 has solemnly affirmed before me at Delhi
 on **28 JAN 2026** as SI. No. *128*
 That the contents of the affidavit which
 have been read & explained to me are
 true and correct to his knowledge

[Handwritten Signature]
Notary Public

[Handwritten Signature]

DEPONENT

ATTESTED

[Handwritten Signature]
NOTARY PUBLIC, DELHI
GOVT. OF INDIA

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. OF 2022

[Arising out of the impugned final order dated 03.08.2022 in Original Application No.1002/2018 and Order dated 05.09.2022 in Review Application No. 25 of 2022 in Original Application No.1002/2018 passed by the National Green Tribunal, Principal Bench, New Delhi]

BETWEEN:**POSITION OF PARTIES**

	IN THE HON'BLE TRIBUNAL	IN THIS HON'BLE COURT
New Okhla Industrial Development Authority, Administrative Complex Sector 6, Noida-201301, Gautam Buddha Nagar, Uttar Pradesh Through its Manager	Respondent No.3 / Applicant in Review Application	Appellant

Versus

1. State of Uttar Pradesh Through its chief secretary, 8 th Floor, 834, Napu, Bhawan, Nagar Vikas Anubhag-2, Lucknow, Uttar Pradesh	Respondent No. 1	Proforma Respondent No.1
2. Govt. of NCT of Delhi Through Chief Secretary, Delhi Secretariat, I. P. Estate, New Delhi-10002	Respondent No. 2	Contesting Respondent No.2
3. Uttar Pradesh Pollution Control Board Through its Chairman, Building No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow - 226010	Respondent No. 4	Contesting Respondent No.3
4. Central Pollution Control Board Through its Chairman, Parivesh Bhawan, East Arjun Nagar, New Delhi – 110032	Respondent No. 5	Contesting Respondent No.4
5. State of Uttar Pradesh Through its Principal Secretary, 8 th Floor, 834, Napu, Bhawan, Nagar Vikas Anubhag-2, Lucknow, Uttar Pradesh	Respondent No. 6	Contesting Respondent No.5



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- | | | | |
|-----|--|---------------------|---------------------------------|
| 6. | District Collector , Office at District Collectorate, District Gautam Buddha Nagar, Uttar Pradesh | Respondent No.
6 | Contesting Respondent
No.6 |
| 7. | Deputy Commissioner , East Delhi, Geeta Colony, Delhi-110092 | Appellant | Contesting Respondent
No.7 |
| 8. | Uttar Pradesh Irrigation Department , Through Secretary Sinchai Bhawan, Cantt Road, Udaiganj, Lucknow - 226001 | Respondent No.
7 | Contesting Respondent
No.8 |
| 9. | Central Ground Water Board , Through its Chairman, Bhujlal Bhawan, NH-IV, Faridabad - 121001 | Respondent No.
8 | Contesting Respondent
No.9 |
| 10. | Abhisht Kusum Gupta , S/o Late Prabhat Kusum Gupta, E-001, Paramount Floraville Sector 137, Noida, Uttar Pradesh 201305 | Applicant | Contesting Respondent No.
10 |

APPEAL UNDER SECTION 22 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 AGAINST THE IMPUGNED FINAL ORDER DATED 03.08.2022 PASSED IN ORIGINAL APPLICATION NO. 1002 OF 2018 AND ORDER DATED 05.09.2022 IN REVIEW APPLICATION NO. 25 OF 2022 PASSED BY THE NATIONAL GREEN TRIBUNAL, AT NEW DELHI.

To,

HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIP'S OTHER COMPANION JUDGES
OF THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE APPEAL OF THE
APPELLANT ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:-

1. The present civil appeal has been filed against the impugned final order dated 03.08.2022 passed by the Hon'ble National Green Tribunal in Original Application No. 1002 of 2018 and order dated 05.09.2022 passed in Review Application No. 25 of 2022 in O.A. No. 1002 of 2018

by the Hon'ble National Green Tribunal, New Delhi (*hereinafter referred as "Tribunal"*). Vide the impugned orders, the Hon'ble National Green Tribunal imposed a penalty of Rs. 100 Crores against the New Okhla Industrial Development Authority (*hereinafter referred as "NOIDA Authority/Appellant"*) towards interim compensation to be utilized for restoration measures in terms of remedial plan.

2. **QUESTION OF LAW:**

That the present Civil Appeal raises the following substantial Question of Law of Public importance:-

- A. Whether the impugned judgments & final order(s) dated 03.08.2022 & 05.09.2022 is not contrary to the law and facts?
- B. Whether the impugned judgment and order dated 03.08.2022 is contrary to the law laid down by this Hon'ble Court in *T.N. Pollution Control Board v. Sterlite Industries (I) Ltd. (2019) 19 SCC 479*?
- C. Whether the directions passed by the Hon'ble Tribunal imposing a penalty on the Appellant is not beyond the jurisdiction vested in the National Green Tribunal by the NGT Act, 2010 and against the statutory framework of the Environment (Protection) Act, 1986?
- D. Whether the Hon'ble Tribunal has erred in summarily dismissing the Review Application No. 25 of 2022 vide order dated 05.09.2022 filed by the Appellant without going into the merits of the Review Application?
- E. Whether the impugned judgment and order dated 03.08.2022 amounts to exercise of jurisdiction of a constitutional court by a Statutory Tribunal in modifying the statutory notification dated 13.10.2017 issued under Section 6 & 25 of the Environment (Protection) Act, 1986?
- F. Whether the Hon'ble Tribunal erred in relying on the order dated 29.04.2019 in O.A. No. 1069 of 2018 titled *Nitin Shankar Deshpande versus Union of India*, which is subject matter of Civil Appeal No. 5036

of 2019 titled as Municipal Corporation of Greater Mumbai Vs. Nitin Shankar Deshpande & Ors pending adjudication before this Hon'ble Court?

- G. Whether the Hon'ble Tribunal erred in not appreciating the progress made by the appellant and steps taken in execution of the proposed action plan in compliance of the directions issued by the Hon'ble Tribunal?

3. **That the brief facts of the present matter are given below for kind perusal of this Hon'ble Court:**

- a) The Ministry of Environmental, Forest and Climate Change (*hereinafter referred to as "MoEF&CC"*) amended the Environmental (Protection) Rules, 1986 (*hereinafter referred to as Rules, 1986*) Schedule-I vide notification dated 13.10.2017, by way of the said schedule, inter alia, MoEF&CC prescribed & laid down standards for emission or discharge of environmental pollutants from the industry are prescribed. Serial No.105 of the said schedule has been added to lay down revised standards for the Sewage Treatment Plants (*hereinafter referred to as "STPs"*). The standard of Fecal Coliform in the category of "STPs" was set as 1000MPN/100ml vide Notification dated 13.10.2017 against 100MPN/100ml as set vide Draft Notification dated 24.11.2015 issued by "MoEF&CC".

*As per the said notification **the amended standards shall apply to all STPs to be commissioned on or after the 1st June, 2019 and the old/existing STPs shall achieve these standards within a period of five years from date of publication of the said notification in the Official Gazette.***

Copy of the notification dated 13.10.2017 issued by the Ministry of Environment, Forest and Climate Change is annexed herewith and marked as **Annexure A-1 (Pages 89 to 93)**.



So

- b) The said notification was challenged before the Hon'ble National Green Tribunal vide OA No. 1069 of 2018 on the ground that the standards have been drastically diluted which would lead to widespread degradation of water quality.

Vide order dated 30.04.2019 the Hon'ble National Green Tribunal directed that standards of the report submitted by expert committee would apply to sewage effluent discharge for STPs across the country i.e. Fecal Coliform standard as 100MPN/100ml and the said standards would not only apply to new STPs but also to existing/under construction STPs without delay, the Hon'ble Tribunal rejected the time period of seven years as prescribed by the Expert Committee to implement the revised standards.

The said order is already under challenge and pending adjudication before this Hon'ble Court in Civil Appeal No.5036 of 2019 titled Municipal Corporation of Greater Mumbai Vs. Nitin Shankar Deshpande & Ors.

Copy of the order dated 30.04.2019 passed by the Hon'ble National Green Tribunal OA No. 1069 of 2018 is annexed herewith and marked as **Annexure A-2 (Pages 94 to 107)**.

- c) That the Respondent No. 10 filed an Original Application No. 1002 of 2018 under section 18 of the National Green Tribunal Act, 2010 before the Hon'ble Tribunal praying for the following relief:

"PRAYER

In view of the facts and circumstances of the present case it is most respectfully submitted that this Hon'ble Tribunal may be pleased to:

"1. Issue order(s)/direction(s) to the Respondent No.1 & 2 to immediately to take appropriate steps towards disposing of sewer waste in other source by excluding irrigation canal situated in Sector

137, Noida and take appropriate steps towards restitution and restoration of irrigation canal.

2. Issue order(s)/direction(s) to the Respondent No.1 and 2 to take appropriate action in order to dispose sewage water in an environment friendly manner by providing sewer treatment plan for the same in time bound manner.

3. Issue order (direction) to respondent No.4 & 5 to take appropriate action against respondent No.3 (Noida Authority) as well as respondent No.7 & 8 for compliance of laws relating to protection of environment as well as rules under Environment Protection Amendment Rules 2017.

4. Issue direction to respondent No.9 Uttar Pradesh Irrigation Department to restore the irrigation canal as it was existing as per the irrigation plan of Uttar Pradesh State.

5. Issue direction to respondent no.10 to take action against respondent no.3, 4, 5 against the contamination of ground water which is the only major source of drinking water in sector 137, Noida.

6. Issue direction to respondent no.6 to take appropriate action for preventing conversion of irrigation canal into Ganda Nala by respondent No.3, 7, 8 and also direct respondent no.4, 9 to initiate action for Protection of Environment Rules.

7. Pass any other/further order(s) as this Hon'ble Tribunal may deem fit in the interest of justice..."

Copy of the O.A. No. 1002 of 2018 filed by the Respondent No. 10 before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-3 (Pages 108 to 122)**.

- d) That vide its order dated 30.11.2018 the Hon'ble Tribunal directed the appellant and Respondent No.3/U.P State Pollution Control Board

(hereinafter referred to as "UPPCB") to furnish a joint inspection report with regard to factual aspects of the case.

Copy of the Order dated 30.11.2018 passed by the Hon'ble Green Tribunal in O.A. No. 1002 of 2018 is annexed herewith and marked as **Annexure A-4 (Pages 123 to 124)**.

- e) In compliance of the order dated 30.11.2018, the joint inspection was carried out by Appellant and UPPCB and a joint report was submitted before the Hon'ble National Green Tribunal on 14.02.2019, highlighting the following facts:-

"1. Kondli Drain originate from Kondli Village, Delhi and enter into the Noida at the place of Hari darshan Police Chowki, Sector-11, (Entry point of Noida) and after traveling (about 17 km) in Noida region of sector-11, sector 12, sector-22, sector-50 and sector-168 it submerged into Yamuna River near Chak Mangrola Sector-168 Noida.

2. Kondli Drain is not connected to any river or canal before meeting in Yamuna River and has no source of fresh water.

3. During inspection it was found so many drains are connected to kondli drain from Delhi side before entering in to Noida.

4. The pollutant parameters in Kondli drain, (Entry Point at Noida) is found above the norms.

5. Delhi's polluted water comes into Noida (Kondli drain), for which Noida Authority has send letter from time to time to the Chief Secretary, Delhi Government to get the treated effluent.

6. All the villages, industrial, residential and institutional areas of Noida Authority areas are connected to the sewer line network.

7. Sewage generation from the Noida is approximately 200 MLD and it is treated in STP of capacity 231 MLD. Standards are being achieved by STP..."



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Copy of the joint inspection report prepared in respect of the Kondli drain, situated in NOIDA, submitted by the Appellant and UPPCB before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-5 (Pages 125 to 132)**.

- f) It is respectfully submitted that vide letter dated 11.02.2019, the Appellant had apprised the UPPCB that all the sewers passing through Noida are connected with 6 STPs through Sewage Pumping Station (*hereinafter referred as "SPS"*). The Appellant has also installed interceptor sewer to divert the untreated water to the STPs. The Shahdra/Kondli drain flows through Delhi and enters Noida at Kondli and the main source of polluted and untreated water in the irrigation canal is contributed by Delhi. The Appellant has written several letters to the Delhi Jal Board and Chief Secretary of Delhi Government requesting setting up facilities for treating the sewage before releasing into the drain but the Appellant has not received any reply or any detailed action plan from the Delhi Jal Board.

Copy of the letter dated 11.02.2019 written by the Appellant to the UPPCB is annexed herewith and marked as **Annexure A-6 (Pages 133 to 136)**.

- g) That the Joint report dated 14.02.2019 was duly considered by the Hon'ble National Green Tribunal, and vide its order dated 19.02.2019 the Hon'ble Tribunal directed Central Pollution Control Board (*hereinafter referred to as "CPCB"*), Delhi Pollution Control Committee (*hereinafter referred to as "DPCC"*), Delhi Jal Board (*hereinafter referred to as "DJB"*), East Delhi Municipal Corporation (*hereinafter referred to as "EDMC"*), Appellant and UPPCB to have a joint meeting and to prepare an action plan in respective states to check the water pollution by stopping the discharge of untreated effluents in the drain and to prosecute the polluters and recover the compensation for damage caused to the environment.

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Copy of the Order dated 19.02.2019 passed by Hon'ble Green Tribunal is annexed herewith and marked as **Annexure A-7 (Pages 137 to 139)**.

- h) In compliance of the order dated 19.02.2019 a joint inspection by a team comprising of officers from DPCC, DJB, EDMC, PWD, DDA, UPPCB and Noida was conducted on 02.04.2019. Pursuant thereto an inspection report dated 18.04.2019 on the quality of water flowing through the Noida drain was filed by the CPCB before the Hon'ble National Green Tribunal

Copy of the status report dated Nil filed by CPCB is annexed herewith and marked as **Annexure A-8 (Pages 140 to 146)**.

- i) In the abovementioned joint inspection report the CPCB observed that Appellant are discharging untreated wastewater in the Kondli Drain which contributes to its organic and hydraulic loading, on the basis of the said conclusion vide letter dated 06.06.2019 the "CPCB" under Sec.5 of the Environmental (Protection) Act,1986, directed the Appellant to deposit an interim Environmental Compensation of Rs. One Crore Only and to submit time bound action plan for corrective action in the matter including setting up sewerage system and treatment facility to ensure compliance with the notified standards.

Copy of the letter dated 06.06.2019 issued by CPCB to the Appellant is annexed herewith and marked as **Annexure A-9 (Pages 147 to 153)**.

- j) That vide letter dated 01.07.2019 Appellant made representation against the direction and Environmental Compensation imposed by CPCB and denied the findings of the CPCB that 30 drains running throughout NOIDA are discharging untreated water into Kondli/Noida drain. The Appellant in its representation before the CPCB, enumerated various compliances made by it. The relevant para of the letter is reproduced herein below:



SS

“c) That it may further be noted that the 30 drains, which are merging with Kondli rain are not effluent drains. They are storm water drains that are not required to be linked with any STP as they are designed and meant to carry only the storm water. The analysis of the sample of the drains as carried by the UPPCB too indicates a positive report. Infact, the actual fault lies at the end of Delhi which is injecting industrial pollutants in the Kondli drain. The water analysis report of the sample collected at the entry point of Delhi and Noida border may be seen at Annexure-2 wherein it could be observed that water quality at the entry point of Noida (from Delhi side) is poor and that it improves at confluence of the Noida drain and Yamuna.

f) That beside above would like to apprise that Noida undertakes regular cleaning of the drains as under:

- All major irrigation drains/ storm water drains above one meter width are cleaned once in a year (particularly before monsoon)*
- All other open drains less than one meter are cleaned 3-4 times a month or as and when required basis to remove floating waste material/ litters.*
- Some innovative measures are also being taken by the authority for the treatment of organic sludge contents in the open drains that releases foul odour and also affect the flow leading eutrophication on the water surface. The efforts were even appreciated by the CPCB.”*

Copy of the letter dated 01.07.2019 issued by the Appellant to the CPCB is annexed herewith and marked as **Annexure A-10 (Pages 154 to 160)**.

- k) The CPCB found the representation made by the appellant unsatisfactory and vide letter dated 19.07.2019 replied to the representation made by the appellant, and imposed a penalty of Rs. 1 Crore as Interim Environmental Compensation against the Appellant. The CPCB failed to appreciate the clarification given by the Appellant



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and took no steps to check the root cause of the water pollution in Kondli drain.

Copy of the letter dated 19.07.2019 issued by the CPCB to the Appellant is annexed herewith and marked as **Annexure A-11 (Pages 161 to 162)**.

- l) The report dated 18.04.2019 was considered by the Hon'ble National Green Tribunal, and vide order dated 30.07.2019 the Hon'ble Tribunal directed *the EDMC, DJB, NOIDA Authority and the Ghaziabad Nagar Nigam to furnish performance guarantees in the sum of Rs.1 crore each to the satisfaction of "CPCB" undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited.*

Copy of the Order dated 30.07.2019 passed by the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-12 (Pages 163 to 169)**.

- m) That another status report dated 01.11.2019 was filed by "CPCB" before the Hon'ble Tribunal, providing the summary of action taken by the concerned agencies to improve water quality of Noida drain, alongwith a detailed analysis of water quality of Noida drain at various locations.

Copy of the Status Report dated 01.11.2019 submitted by CPCB is annexed herewith and marked as **Annexure A-13 (Pages 170 to 179)**.

- n) It is pertinent to note that the Appellant vide letter dated 20.12.2019 informed the CPCB that it has complied with the recommendation of the CPCB and the Hon'ble Tribunal. It was duly communicated by the Appellant to the CPCB that the sewerage generation from the Noida is approx. 190 MLD and the capacity of various STPs installed is 231 MLD & a committee has already been constituted to inspect STPs

constructed in the High Rise Buildings and to evaluate the performance of STPs..

- o) In compliance of the direction of the Hon'ble Tribunal a time bound action plan has been formulated to stop discharge of untreated waste water in 30 drains of Noida which merged in Kondli drain which then finally converge in Yamuna River:
- i) "A committee has been constituted to inspect high rise building's STP and to evaluate the performance of every STP. The Committee will examine whether the STPs performs at standard parameter or not. It will operate in a compliance manner and discharges only the treated effluent in the passing drain, after utilizing the treated waste water at their end. The defaulters are to be identified and recommended for environment compensation for non compliance of NGT orders. More stringent action will be taken against the builders as per Noida Authority rules. (Time Required-1 year).
 - ii) In compliance with Hon'ble NGT directions and Water Prevention Act-1976, joint inspections with UPPCB team will be conducted at different sections/location and violators to be appropriately prosecuted. Committee shall also check untapped sewer lines of individuals/builders/villagers and sane shall be informed to concerned department for necessary action. (Time Required -1 year).
 - iii) Proposals for strengthening of existing sewerage network amounting to Rs. 1977.45 lac have been submitted and sane are to be executed on priority basis. (Time Required -2 years)
 - iv) Noida authority in anticipation of future projected load has already planned to put more STPS of capacity 180 MI.D as planned by WAPCOS in place to accommodate the future



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- load of sewerage effluent discharge of city. (Time Required - 4 years).
- v) 100 Nos. of public toilets and 56 Nos. of community toilets have been constructed. In addition to that mobile toilets have been installed at slum/remote areas under ODP scheme of Govt of India. All toilets are regularly monitored for proper functioning and maintenance. All the Community/Public Toilets are connected with the existing sewerage network. (Work completed)
 - vi) Total 22 Nos of desludging points have been constructed at last sewer manhole near SPS (Sewage Pumping Station) Sewage from different public toilets/sum areas is collected and discharged in these decanting points by registered sewage decanters heavy vehicles fitted with GPS (Work completed)
 - vii) The Appellant are in process of developing in-situ treatment using constructed wetland technique for Noida drain in consultation with Prof. C.R. Babu, (CEMDE, University of Delhi). Six constructed wetland system each covering a stretch of 500 meter length have been proposed for abatement of organic load of Noida drain. (Time Required - 1.5 years)
 - viii) Special drives have been carried out against encroachers on embankment of drains and same has been maintained. So. disposal of untreated waste water into drains has been stopped. All encroachments on the embankment of these 30 drains will be removed within next one year. (Time Required- 1 year)
 - ix) Noida will arrange further study by WAPCOS/EIL to evaluate feasibility of Intercepting Sewer Scheme as a long-term remedial measure Based on the study report further action will be taken accordingly. (Time Required 3 years)



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The appellant by way of said letter further requested CPCB to revoke the penalty in the nature of interim compensation of Rs. 1 Crore imposed on the Appellant.

Copy of the letter dated 20.12.2019 to the CPCB by the Appellant is annexed herewith and marked as **Annexure A-14 (Pages 180 to 182)**.

- p) The report dated 01.11.2019 filed by CPCB was considered by the Hon'ble National Green Tribunal and vide order dated 25.02.2020 the appellant along with UP Irrigation Flood Control Department was directed to take further remedial action in view of the findings mentioned in the report. The Hon'ble Tribunal further directed the Chairman, Noida to act as a Nodal Agency for coordination and compliance.

Copy of the order dated 25.02.2020 passed by the Hon'ble Green Tribunal in O.A. No. 1002 of 2018 is annexed herewith ad marked as **Annexure A-15 (Pages 183 to 192)**.

- q) In compliance of the order dated 25.02.2020 and recommendations of the CPCB, the Appellant requested the UPPCB to initiate action against the housing societies for non-compliance of environmental norms. On the request of the Appellant, the UPPCB issued notices to the housing societies and imposed penalties in accordance with the degree of violations of the environmental norms.
- r) In compliance of the order dated 25.02.2020 passed by the Hon'ble Tribunal, the Appellant formulated a 9 point action plan. The key proposals of the said plan are as under:

1.r.1. A committee to be constituted to inspect high rise building's STP and to evaluate the performance of every STP. The committee was to examine the performance of already installed STPs in reference to the prescribed standards and only the treated effluent is discharged in

the drain, post utilizing the treated waste-water at their end. The although the action is to be initiated against those who are in of the orders passed by the Hon'ble NGT. More stringent action was also to be initiated against the builders as per Noida Authority rules. **(Time Required - 1year)**

1.r.2. In compliance of the directions passed by the Hon'ble NGT and Water Prevention Act-1976, joint inspections with UPPCB team is to be conducted at different sections/ location and violators to be appropriately prosecuted. Committee shall also check untapped sewer lines of individuals/ builders/ villagers and same shall be informed to concerned department for necessary action. **(Time Required – 1 year)**

1.r.3. Proposals for strengthening the existing sewerage network was allocated budget of Rs.19.7745Cr have already been submitted and same are to be executed on priority basis. **(Time Required – 2 years)**

1.r.4. Noida Authority in anticipation of future projected load has already planned to put more STPs of capacity of 180MLD as desired and suggested by WAPCOS to accommodate the future load of sewerage effluent discharge of city. **(Time Required – 4 years)**

1.r.5. 100 Nos. of Public Toilets and 56Nos of community toilets have been constructed. In addition to that mobile toilets have been installed at slum/ remote areas under ODF scheme of Govt. of India. All Toilets are regularly monitored for proper functioning and maintenance. All the community/ Public Toilets are connected with the existing sewerage network.



- 1.r.6. Total 22 Nos. of desludging points have been constructed at last sewer manhole near SPS (Sewage Pumping Station). Sewage from different Public Toilets/ slum areas is collected and discharged in these decanting points by registered sewage decanters heavy vehicles fitted with GPS.
- 1.r.7. Development of In-Situ treatment using constructed wetland technique for Noida drain in consultation with Prof. C R Babu (CEMDE, University of Delhi). Six constructed wetland system each covering a stretch of 500meter length have been proposed for abatement of organic load of Noida drain. **(Time Required - 1.5years)**
- 1.r.8. Special drives will be carried out against encroachers on embankment of drains and same is being strictly enforced in order to stop the disposal of untreated waste water into drains can be stopped. All encroachments on the embankment of these 30 drains are to be removed within next one year. **(Time Required – 1year)**
- 1.r.9. Noida will arrange for further study by WAPCOS/ EIL to evaluate feasibility of Intercepting sewer scheme as a long-term remedial measure based on the study report further action will be taken accordingly. **(Time Required –3 years)**
- s) The Appellant submitted an updated proposed action plan on 15.09.2020 & 04.11.2020 before the Hon'ble Tribunal, wherein the status of action taken/proposed in compliance of the 9 points action plan were detailed.

Copy of the report dated 15.09.2020 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-16 (Pages 193 to 201)**.

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Copy of the report dated 04.11.2020 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-17 (Pages 202 to 210)**.

- t) The Hon'ble Tribunal duly considered the compliance report dated 15.09.2020 and 04.11.2020 of Appellant, and vide order dated 06.11.2020 the Hon'ble Tribunal directed the joint committee comprising of CPCB, State PCB, Noida and District Magistrate, Noida to take action against the erring high rise building in Noida, expeditiously and for taking further steps and assessing the compensation, within three months. The Hon'ble National Green Tribunal further directed the joint committee to file a compliance report.

Copy of the order dated 06.11.2020 passed by the Hon'ble Green Tribunal is annexed herewith and marked as **Annexure A-18 (Pages 211 to 227)**.

- u) In compliance of the order dated 06.11.2020, the appellant submitted an updated proposed action plan on 15.02.2021, 19.03.2021 & 29.07.2021 before the Hon'ble National Green Tribunal explaining the progress achieved by the appellant regarding execution of proposed action plan in compliance of the orders passed by the Hon'ble National Green Tribunal.

Copy of the report dated 15.02.2021 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-19 (Pages 228 to 238)**.

Copy of the report dated 19.03.2021 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-20 (Pages 239 to 249)**.



Copy of the report dated 29.07.2021 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-21 (Pages 250 to 260)**.

- v) The compliance reports dated 15.02.2021, 19.03.2021 and 29.07.2021 were considered by the Hon'ble National Green Tribunal vide order dated 30.07.2021 and accordingly the Hon'ble Tribunal directed Additional Chief Secretary, Forest & Environment, UP, Secretary, Urban Development, UP, CEO NOIDA Authority, District Magistrate, Noida, Vice Chairman GDA, Police Commissioner, NOIDA, IG Meerut and Chief Secretary Delhi and Special Commissioner of Police, East Delhi to hold in house meeting in coordination with the concerned departments within fifteen days to take stock of the situation and plan remedial action. Further the appellant was directed to explain sewerage management status for the area including the sewage generated by the societies.

Copy of the Order dated 30.07.2021 passed by the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-22 (Pages 261 to 292)**.

- w) In compliance of the order dated 30.07.2021, the appellant submitted an updated proposed action plan on 22.11.2021, before the Hon'ble National Green Tribunal explaining the progress achieved by the appellant with regard to execution of proposed action plan in order to comply with the orders passed by the Hon'ble National Green Tribunal.

Copy of the report dated 22.11.2021 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-23 (Pages 293 to 298)**.

- x) The report dated 22.11.2021 was considered by the Hon'ble National Green Tribunal. Vide order dated 23.12.2021 the Hon'ble Tribunal issued directions to the appellant which are as under:-

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20. "i. Discrepancies pointed out in para 13 regarding functional status of STPs, their compliance and connectivity to sewers to be addressed and clarified considering desludging and maintenance of sewer lines.

ii. Action against violators and colluders under Section 3 of PMLA Act, 2002 IPC as well as under Section 133 of Cr.PC to be looked into.

iii. Granting partial or completion certificates must be compliant with EC/Consent conditions.

iv. Completion of ongoing sewerage network to be ensured and steps taken in respect of 30 drains and their termination to respective existing or new STPs.

v. Mode of disposal of 6 existing STPs to be compliant with standards, including fecal coliform and utilization of treated effluents to be ensured..."

Copy of the order dated 23.12.2021 passed by the Hon'ble Green Tribunal is annexed herewith and marked as **Annexure A-24 (Pages 299 to 329)**.

- y) As per the directions of the Hon'ble Tribunal, the Appellant issued an office order dated 04.03.2022 to the effect that the Partial Occupancy Certificates would be issued to the housing societies only if after all the conditions mentioned in the Environmental Compensation/Consent To Operate, issued by the SEIAA are fulfilled.

Copy of the office order dated 04.03.2022 issued by Chief Executing Officer the Appellant is annexed herewith and marked as **Annexure A-25 (Pages 330 to 332)**.

- z) In compliance of the directions issued by the Hon'ble Tribunal the Appellant lodged an FIR bearing No.74/2022 U/s 269, 270, 271 of IPC

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dated 27.03.2022 against various housing societies namely; M/s Assotech Windsor Court, M/s Gardenia India Limited, M/s Futech Shelters Private Limited, M/s Skytech Constructions Private Limited and their directors for violation of various environmental norms, in particular for release of untreated water directly into the Kondli Drain.

Copy of the FIR bearing No.74/2022 dated 27.03.2022 is annexed herewith and marked as **Annexure A-26 (Pages 333 to 347)**.

- aa) The Shriram Institute for Industrial Research took water samples from different STP CCT Outlets in Noida and issued certificates/Report of water quality. As per the certificates the Fecal Coliform and BOD level of water samples collected from all the STP CCT Outlet was within the permissible limits.
- bb) On 28.03.2022 UPPCB took water samples from different parts of the city and submitted a water analysis report before the Hon'ble Tribunal wherein, it was found by the UPPCB that the water is colorless and odourless. It was also reported that the BOD of the waters were below 30 mg/l.
- cc) In compliance of the order dated 23.12.2021, the appellant further submitted an exhaustive report dated 06.05.2022 in respect of updates on the proposed action plan so undertaken by Appellant in compliance of the directions of the Hon'ble National Green Tribunal and the Appellant thereafter explained the reasons for discrepancies noticed in the report dated 22.11.2021 submitted by the appellant.

Copy of the report dated 06.05.2022 submitted by the Appellant is annexed herewith and marked as **Annexure A-27 (Pages 348 to 360)**.

- dd) It is submitted that in compliance of the order of Hon'ble National Green Tribunal the Appellant approached two expert Government Agencies i.e. NEERI and WAPCOS for engaging them as monitoring agencies. NEERI did not respond to the request of the Appellant,

whereas the Appellant has been coordinating with WAPCOS, who after certain communications vide letter dated 21.07.2022 finally declined to undertake the task.

Copy of the letter dated 21.07.2022 issued by WAPCOS is annexed herewith and marked as **Annexure A-28 (Pages 361 to 362)**.

- ee) The Appellant has engaged environmental expert i.e., National Environment Engineering Research Institute (NEERI), Department of Science & Technology, Government of India, for preparation of Detailed Project Report(DPR), for construction of In-Situ and Ex-Situ wetlands and construction of minor STPs over drains. Further, an MOU dated 21.07.2022 was signed between Appellant and NEERI to undertake treatment of sewerage flowing in 30 drains in Noida and to develop a time bound action plan to stop discharge of untreated water to 30 drains.

Copy of the MoU dated 21.07.2022 entered between the Appellant and NEERI is annexed herewith and marked as **Annexure A-29 (Pages 363 to 376)**.

- ff) It is pertinent to mention here that the Competent Authority directed G.M. (Planning), Noida, to publish Request For Proposals (RFP) for engaging the environmental professionals. The scope of work as per the RFP is as under :-

- Preparation of checklist of Environmental Clearance for all the 144 projects having built up area more than 20,000 sqm.
- Getting approval of checklist of EC compliance from NOIDA Authority.
- Monthly Monitoring of each project shall be conducted as per EC conditions.
- Monthly Monitoring of Quality of Treated Water of STP installed by Builders.



- Provide advice to NOIDA Authority.
- Liaoning with UPCCB/CPCB/NGT as a representative of NOIDA Authority.
- Depute 5 Engineers at NOIDA Authority.”

The said exercise is proposed to be completed within two months.

Copy of the letter dated 29.07.2022 issued by GM Planning to Deputy General Manager of Water Department, Noida is annexed and marked as **Annexure A-30 (Pages 377 to 379)**.

The UPCCB vide letter dated 30.07.2022 directed the Appellant for installation of the Tertiary Treatment Plants (TTP) for the existing STPs. The UPCCB granted 5 years for completing the installation of the TTP.

Copy of the letter dated 30.07.2022 issued by the UPCCB to the Appellant is annexed herewith and marked as **Annexure A-31 (Pages 380 to 383)**.

- gg) The appellant filed another report dated 01.08.2022 before the Hon'ble National Green Tribunal explaining the progress achieved by the appellant with respect to the execution of proposed action plan to comply with the orders passed by the Hon'ble National Green Tribunal..

Copy of the report dated 01.08.2022 filed by the Appellant before the Hon'ble National Green Tribunal is annexed herewith and marked as **Annexure A-32 (Pages 384 to 388)**.

- hh) Despite the sincere and continuous efforts made by the appellant pursuant to the directions passed by the Hon'ble National Green Tribunal by way of numerous orders passed in Original Application No. 1002/2018, the Hon'ble National Green Tribunal vide order dated 03.08.2022 passed the impugned order without considering the progresses achieved by the appellant, by relying solely on its order

passed in *Nitin Shankar Deshpande* (supra), directed the appellant to deposit a sum of Rs.100 crores towards interim compensation to be utilized for restoration measures in terms of remedial plan.

- ii) The Impugned Order is liable to be set aside in view of the following reasons:

A. ISSUES RELATED TO STPs IN 95 HIGH RISE BUILDINGS IN NOIDA

The Hon'ble Tribunal in the impugned order dated 03.08.2022 has observed that source of untreated sewage going to the irrigation canal includes non-functional/deficient STPs in 95 High Rise Buildings in Noida. The Hon'ble Tribunal has held that STPs installed in all 95 societies are either non-functional or deficient. The para 17 of impugned order is reproduced as under:

"17. The report of the NOIDA Authority dated 06.05.2022 later updated on 01.08.2022 confirms that there are only 76 STPs in 95 group housing societies out of which 38 are non-compliant. With regard to remaining 19(out of 95 group housing societies), it is stated that steps are in progress. One society is under construction. Thus, non compliant complexes are 56. It is stated that environment cell could not be created as the process of hiring professionals has not been completed. Further report of NOIDA Authority does not have any noticeable change, except that work of wetland is said to have been awarded in respect of NOIDA drains but the water quality of the said drains is not meeting the standards."

It is respectfully submitted that, the Hon'ble Tribunal has taken note of reports dated 06.05.2022 and 01.08.2022 submitted by the appellant, however, inadvertently the status of the STPs as on 27.07.2022 mentioned in report dated 01.08.2022 has not



been taken into consideration while passing the impugned order.

The status report dated 01.08.2022 was prepared by a joint team of appellant and UPPCB, who did the sampling of all 95 Group Housing Societies, between 31.05.2022 to 20.06.2022 & observed that there are 77 installed STPs in 95 Group Housing Societies out of which 60 STPs installed were found to be fully functional and compliant. The impugned order refers to the 38 STPs which are found to be non-compliant which in turn is , based on the status report dated 06.05.2022 submitted by the appellant and report dated 11.04.2022 submitted by the Uttar Pradesh Pollution Control Board.

It is submitted that no society is permitted to discharge any sewer in the open drain. In case any society doesn't have STP or the STP is not functional, the same is connected with NOIDA trunk sewer line and thereafter it is being treated by the concerned NOIDA Sewage Treatment Plant (STP). Further, penal action has also been initiated by lodging FIRs in respect of violations.

Copy of the sample analysis report dated Nil prepared by UPPCB is annexed herewith and marked as **ANNEXURE A-33 (Pages 389 to 394)**.

The Appellant through its compliance reports dated 15.09.2020, 04.11.2021, 15.02.2021, 19.03.2021, 29.07.2021, 22.11.2021, 06.05.2022 and 01.08.2022 explained to the Hon'ble Tribunal regarding compliances so effected by the Appellant in accordance with the directions passed by the Hon'ble Tribunal from time to time . It was also explained by the Appellant before the Hon'ble Tribunal that the no untreated sewage has been released in the Kondli/Noida Drain and all the sewage of the Noida is connected with the 6 STPs of NOIDA.

B. COMPLIANCE STATUS OF STPs CONSTRUCTED & MAINTAINED BY NOIDA

The Hon'ble Tribunal vide the Impugned order dated 03.08.2022 held that the BOD and the fecal coliform of the STPs are not as per the standards and not in compliance with the order passed in O.A. 1069 of 2019 *Nitin Shankar Deshpande vs. UOI & Ors.* The Hon'ble Tribunal vide its order dated 30.04.2019 in O.A. No. 1069 of 2018 directed that the aforesaid standard of fecal coliform shall apply to the whole country with immediate effect. The Hon'ble Tribunal while passing the order has failed to appreciate the fact that the reduction of fecal coliform to 100 with immediate effect is technically not possible and that is why the expert committee has recommended 7 years to comply with the same.

It is respectfully submitted that during proceedings of the matter, six STPs were operational and two STPs having capacity of 80 MLD and 100 MLD respectively are under construction. It is respectfully submitted that as per the compliance report dated 01.08.2022 filed before the Hon'ble Tribunal, the work of STP having capacity of 100 MLD has been completed and is running in trial phase. It is to bring to the kind attention of this Hon'ble Court, that the work of STP having capacity of 80 MLD is 90% complete and as per the bond timeline it is expected to be completed by September, 2022.

It is pertinent to mention here, that as per the Gazette notification dated 13.10.2017 issued by MOEF&CC, the effluents discharge standard fixed which are applicable to all mode of disposals are as under:-

Sr. No.	Parameters	MoEF & CC Notification October 2017
1.	Biochemical Oxygen Demand (BOD)(mg/1)	<30 and <20 (metrocities)
2.	Chemical Oxygen Demand (COD)(mg/1)	No limit

3.	Total Suspended Solids (TSS) (mg/1)	<100 and <50 (metrocities)
4.	Total Nitrogen (mg/1)	No limit
5.	Ammonical Nitrogen (mg/1)	No limit
6.	Total Phosphorus (mg/1)	No limit
7.	Fecal Coliform MPN/100ml	<1000

The STPs constructed and maintained by the appellant is inspected & checked by the UPPCB on the regular basis. It is to be noted that, the STPs of the appellant are found to be compliant by the UPPCB as the per the notification dated 13.10.2017.

It is pertinent to mention here that, as per letter dated 30.07.2022 issued by UPPCB to Appellant, the Tertiary Treatment Plants (TTP) are to be installed within 5 years for the existing STPs and the STPs under construction are required to be operated only after the said TTP has been installed on the said STP. It is pertinent to mention here that, said TTPs are required to be installed in order to achieve the permissible limits of Fecal Coliform. It is submitted that, as far as the STPs under construction are concerned, a provisioning has already been done with regard to installation of TTPs before starting of functioning of STPs.

The existing STPs are required to install TTPs by September 2023 as per directions of UPPCB in respect of installation of TTPs vide letter dated 30.07.2022.

It is to be clarified that the STP constructed with capacity of 100 MLD is already equipped with TTP whereas the STP with a capacity of 80 MLD is under the process of getting equipped with TTP.

The UPPCB has granted CTO to the Appellant for operating the said STPs under the condition that the domestic effluent should be treated in treatment plant so that they should be in conformity with the following norms:-

Domestic Effluent		
S. No.	Parameter	Standard
1.	Total Suspended Solids	As per E.P. Rules 1986
2.	BOD	As per E.P. Rules 1986
3.	COD	As per E.P. Rules 1986
4.	Oil & Grease	As per E.P. Rules 1986

From the above chart, it is clear that the standards acceptable for checking the parameters would be based on EP Rules, 1986.

As per the reports issued by UPPCB, the parameters which have been notified in terms of CTO / Notification are duly achieved by all the six STPs of NOIDA. Some of the analysis are as under:-

	Colour	Odour	pH	BO D mg/ l	CO D mg/ l	TS mg /l	Phospho rous (as PO ₄) mg/l	Nitrog en (as NO ₃) mg/l	Fec al
Sector - 50 Noida (25 MLD SBR Outlet) Noida	Colourle ss	Odourle ss	7.3 3	16. 5	120	59	0.58	0.50	600
Sector - 50 Noida (34 MLD SBR Outlet) Noida	Colourle ss	Odourle ss	7.3 9	15	144	65	0.50	0.42	400

Sector - 54 Noida (33 MLD SBR Outlet) , Noida	Colourless	Odourless	7.50	21	160	73	0.68	0.54	680
Sector - 54 Noida (54 MLD SBR Outlet) , Noida	Colourless	Odourless	7.48	12	104	57	0.54	0.32	610
Sector - 123 Noida (35 MLD SBR Outlet) , Noida	Colourless	Odourless	7.53	16.5	136	71	0.56	0.44	610
Sector - 168 Noida (50 MLD SBR Outlet) , Noida	Colourless	Odourless	7.61	24	168	77	1.10	0.42	680

It is respectfully submitted that, the treated recycled water received from STPs which are operational in Noida is utilized for the purposes of maintaining green areas, irrigation of parks and green belts, wetlands and construction activities undertaken by private/government bodies .

It is pertinent to mention that more than 50MLD water treated recycled water is being used for the said purpose.

On the basis of steps taken by the appellant in compliance of the directions issued by the tribunal it is evident that the tribunal erred in not appreciating the progress made and imposing EC of Rs. 100 crores.

C. ISSUES RELATED TO 30 DRAINS OF NOIDA

The Hon'ble Tribunal in para 12 of the Impugned Order dated 03.08.2022 has observed that the water quality of 30 drains passing through Noida is not up to the mark. The relevant part of the order dated 03.08.2022 is reproduced herein below::

"12. The report of the UP state PCB dated 11.04.2022 is about water quality of the drain. The report of state PCB gives the water quality of samples taken on 07.01.2022, 28.01.2022, 14.02.2022, 04.03.2022 and 28.03.2022. The water quality does not meet the prescribed standards....."

It is respectfully submitted that in compliance of the order of Hon'ble Tribunal Professor CR Babu, Department of Environment, Delhi University has been engaged as a consultant to suggest remedial measure in respect of the 30 drains and their termination to respective existing or new STPs to NOIDA. After inspection of Kondli Irrigation main drain by Prof. CR Babu has started construction of 3 In-situ Wetlands. It is submitted that under the directions of the Hon'ble Tribunal one wetland has already been constructed and is successfully operational presently. It is pertinent to mention here that the said In-Situ Wetland is first of its kind.

Second In-Situ Wetland is situated near NSEZ, Sector 137, Noida and its construction is 40% completed whereas construction of Third In-Situ Wetland near Advant Tower, Sector 142, Noida is 30% completed. The said In-Situ wetlands are likely to be completed by December 2022, with an estimated cost of Rs.14.25 Crores.

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Copy of the progress report dated 25.07.2022 in respect of the in-situ wetlands constructions is annexed herewith and marked as **ANNEXURE A-34 (Pages 395 to 398)**.

It is also pertinent to mention here that, the work of 10 Sewer strengthening was undertaken during the pendency of proceedings before the Hon'ble Tribunal and same has been duly completed.

It is most respectfully submitted that as per the report dated 11.04.2022, submitted by UPPCB, the sample collected near Haridarshan Police Chowki, Sector 11, Noida, which is the entry point of NOIDA Kondli Irrigation Drain, shows that the levels of pollution are as under :-

Parameters	Sampling Point
	Up Stream Lat - 28 . 6 0 1 9 1 3 Long- 7 7 . 3 3 6 9 9 3 Kondli Drain near Haridarshan Police Chowki, Sector-11, Noida
Colour	Blackish
Odour	Unpleasant
Ph	7.51
COD (mg/1)	416
BOD (mg/1)	144
TSS(mg/1)	264
Total Coliform (MPN/100ml)	33x10 ⁵
Fecal Coliform (MPN/100ml)	27x10 ⁵

Whereas, after crossing the entire stretch of 17 kms in Noida, at village Chak-Mangurola, sector 168 Noida, which is the exit point of Noida (the place where it merges with Yamuna river), shows that levels of pollution are as under:-

Parameters	Sampling Point
	Down Steam Lat - 28.473076 Long - 77.405751 Kondli Drain near Vill-Chak Mangurolasector 168, Noida
Colour	Blackish
Odour	Unpleasant
Ph	7.59
COD (mg/1)	304
BOD (mg/1)	90
TSS(mg/1)	138
Total Coliform (MPN/100ml)	27x10 ⁵
Fecal Coliform (MPN/100ml)	17x10 ⁵

From the above tables, it is evident that the quality of water has improved even after crossing the entire stretch falling in the jurisdiction of the Appellant. One of the reasons for the same is construction and successful operation of one In-Situ Wetland. It is pertinent to mention here that two more In-Situ Wetlands are under construction and are expected to be completed by December, 2022, which would fetch even better results.

It is most respectfully submitted that, Prof CR Babu also visited 30 drains and gave suggestions with regard to classification of drains into 3 categories based on its width as major, medium and minor. Bio remediation method has been proposed for major and medium drains. In addition to the above, construction of in-situ wetland and plantation was also proposed. Apart from that, construction of sump well is also proposed for minor drains for connecting them to STPs. The Appellant has deputed environmental expert i.e., National Environment Engineering Research Institute (NEERI), Department of Science & Technology, Government of India, for preparation of DPR, for construction of In-Situ and Ex-Situ wetlands and construction of minor STPs over drains. An MOU has been signed between Appellant and NEERI on 21.07.2022. It is pertinent to mention here that, as per the said MOU the said work is proposed to be completed by June 2023.

D.MOU BETWEEN NOIDA AND NTPC

It is respectfully submitted that the Hon'ble Tribunal erred in holding that the Appellant is not supplying 90 MLD secondary treated sewage water to NTPC and recovering the cost which needs to be ensured. The relevant part of the impugned order is reproduced herein below:

"22. We find the inspite of there being Memo of Understanding (MoU) dated 14.06.2018 between NTPC and NOIDA Authority for supply of 90 MGD secondary treated sewage water for NCTPP-Dadri for not-potable purpose on payment basis, there is nothing to show that NOIDA Authority is supplying such water and recovering the cost which needs to be ensured...."

The Hon'ble Tribunal while making the aforesaid observation failed to understand the root cause of not supplying the secondary treated sewage water to the NTPC. There were certain obligations which were to be performed by NTPC Dadri and U.P. Jal Nigam Ghaziabad respectively. As per the scope of work, the U.P Jal Nigam was to prepare the DPR for NTPC for entire recycled treated sewage water supply system for use by NTPC Dadri. The Appellant was required to supply secondary treated sewage water from STPs (Located at sector 50, 54, 123) to NTPC Plant at Dadri through U.P. Jal Nigam. As per the said MOU a lump-sum amount of Rs. 75 Lacs was to be released to U.P. Jal Nigam by NTPC for preparation of DPR. It was brought to the knowledge of the Hon'ble Tribunal that as per the MoU dated 03.11.2018 entered between Appellant and NTPC, the NTPC was required to infuse Rs. 75 Lakhs. The NTPC has not paid any amount to the UP Jal Nigam towards the construction of pipelines and hence the Appellant is not supplying 90 MLD secondary treated water to NTPC.

The said amount was not provided by the NTPC for preparation of DPR for which several letters dated 14.11.2018, 10.01.2019, 30.05.2019, 20.06.2019, 23.07.2019, 19.08.2019, 31.01.2022, 31.03.2022, 05.05.2022, 08.08.2022 have been written by the Appellant to NTPC Ltd. The Appellant lately wrote a letter dated 10.08.2022 to the NTPC for providing the timelines regarding construction of DPR and supply of treated water. The Appellant

also mentioned that in case of failure on the part of NTPC Ltd., the appropriate action as per law will be taken by the Appellant. It is pertinent to mention that the Appellant is ready to render each and every cooperation which is required to be given on its end.

Copy of the letter dated 10.08.2022 issued by the Appellant to the NTPC is annexed herewith and marked as **Annexure A-35 (Pages 399 to 402)**.

That the Hon'ble Tribunal in the para 21 of impugned order dated 03.08.2022 has observed that the Appellant has not created any environmental cell and has not hired any professional in seven months. It is submitted that the Appellant approached two expert Government Agencies i.e. NEERI and WAPCOS for engaging them as monitoring agencies. NEERI did not respond to the said request, whereas the Appellant has pursued with WAPCOS Limited for undertaking certain works, who after certain communications finally declined to undertake the work vide letter dated 21.07.2022.

Thereafter the Appellant engaged environmental expert i.e., National Environment Engineering Research Institute (NEERI), Department of Science & Technology, Government of India, for preparation of DPR, for construction of In-Situ and Ex-Situ wetlands and construction of minor STPs over drains. An MOU has been signed between Appellant and NEERI on 21.07.2022. It is pertinent to mention here that, as per the said MOU the said work is proposed to be completed by June 2023.

ii) Being aggrieved by the decision of the Hon'ble Tribunal, the appellant preferred Review Application No.25 of 2022 before the Hon'ble National Green Tribunal seeking review of order dated 03.08.2022 in view of the grounds raised therein.

Copy of the Review Application No. 25 of 2022 filed by the Appellant is annexed herewith and marked as **Annexure A-36 (Pages 403 to 420)**.

jj) The Hon'ble National Green Tribunal vide order dated 05.09.2022 summarily dismissed the review application filed by the appellant without going into the merits of the Review Application. The relevant part of the Order dated 05.09.2022 of the Hon'ble Tribunal is reproduced hereinbelow:

- "12. *We have heard Shri. Sanjay Jain, learned ASG and also Ms. Ritu Maheshwari, CEO, NOIDA, present by video conferencing. As already mentioned, the ground of review acknowledge that pollution is still continuing and remedial action is proposed. In spite thereof, contention is that NOIDA has no liability for such continuing pollution.*
13. *We are unable to accept the submissions. As already noted in the order dated 03.08.2022 (in para 13)) that 38 out of 76 STPs of the group housing societies were non-compliant and State PCB has issued notices to them for levying compensation. This could be prevented if these societies were not allowed to be occupied without existence of waste water treatment facilities and requisite consents from the PCB. As per version of the PCB, prosecution has been initiated by the PCB against 62 defaulters. Action is to be taken against the remaining group housing societies. The Tribunal thus held (in para 17) that 56 group housing complexes were noncompliant as per updated report of NOIDA Authority dated 01.08.2022. With regard to six operational STPs, the Tribunal found that fecal coliform standard was not compliant with the order of this Tribunal dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande v. UOI & Ors. It remains undisputed that remediation of pollution from 30 drains is yet to completed. Non compliances are not only with regard to fecal coliform standards but also others, as already noted.*
14. *In this view of the matter, the stand in the Review Application that all the group housing societies should be treated as compliant, the STPs of NOIDA should be treated as compliant merely because the Appellant is in process of examining the viability and financial implications for installing Tertiary Treatment Plants (TTPs) in terms of*

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directions of the State PCB as per order of this Tribunal dated 30.04.2019 in O.A No.1069/2018 (Supra). On its own stand that requisite tertiary treatment plants are yet to be installed by NOIDA, non-compliance remains. As already mentioned, with regard to Group Housing Societies, many of the STPs remain non-compliant. Even if further remedial steps have been taken, as claimed, liability in respect of past violations is not affected.

15. *In view of above, even on reconsideration, we do not find any merit in review application filed by NOIDA. The same is dismissed."*
- kk) It is pertinent to mention that the Appellant has made/approved a significant amount of expenditure totaling to around Rs. 357.00 Cr. in order to tackle the water pollution in Noida. The Appellant has also proposed plans to take further remedial action for prevention of discharge of untreated water in open drains, if any. The details of the expenditure made/approved and plans for prevention of discharge of untreated water in open drains is as under:
- ll) Further, The Hon'ble Court has erred in observing that the fecal coliform of the Noida STPs is not as per the standard set by the Hon'ble Tribunal vide its order dated 30.04.2019 in *Nitin Shakar Deshpande* (Supra). It is respectfully submitted that the Hon'ble Tribunal erred in modifying the standards mentioned under the notification dated 13.10.2017 which was published inconsonance with the Environmental Protection Rules 1986.
- mm) The order passed *Nitin Shankar Deshpande* (*supra*) is under challenge and pending adjudication before this Hon'ble Court so reliance on such an order is not tenable and instead, the notification dated 13.10.2017 issued by the MoEF becomes applicable. Thus, the order dated 03.08.2022 in O.A. No. 1002 of 2018 and Order dated 05.09.2022 in Review Application No. 25 of 2022 in O.A. No. 1002 of

2018 passed by the Hon'ble Tribunal is wrong, unreasonable, bad in the eyes of law and liable to be set aside.

4. **GROUNDS:**

- a. **BECAUSE** the impugned judgment & order dated 03.08.2022 amounts to judicial review of a statutory notification dated 13.10.2017 issued under Section 6 & 25 of the Environment (Protection) Act, 1986, which is impermissible in law and beyond the jurisdiction of the Hon'ble Tribunal as vested by the National Green Tribunal Act, 2010.
- b. **BECAUSE** the impugned judgment & order dated 03.08.2022 has wrongly relied upon the order dated 29.04.2019 in O.A. No. 1069 of 2018 titled *Nitin Shankar Deshpande versus Union of India*, whereby standards for Sewage Treatment Plant as laid down by the statutory notification have been modified which is beyond the jurisdiction vested with the Hon'ble Tribunal as per the NGT Act, 2010 and beyond the statutory framework of the Environment (Protection) Act, 1986.
- c. **BECAUSE** the impugned judgment and order dated 03.08.2022 is contrary to the law laid down by this Hon'ble Court in *T.N. Pollution Control Board v. Sterlite Industries (I) Ltd. (2019) 19 SCC 479* that the Hon'ble National Green Tribunal has no power of judicial review as vested with the High Courts under Article 226 of the Constitution.
- d. **BECAUSE** the Hon'ble Tribunal erred in imposing penalty to the tune of Rs. 100 Crores on the appellant without assessing the progress made by the appellant in pursuance of order passed by the Hon'ble Tribunal.
- e. **BECAUSE** the Hon'ble Tribunal has again erred in summarily dismissing the Review Application No. 25 of 2022 vide order dated

05.09.2022 filed by the Appellant without going into the merits of the Review Application.

- f. **BECAUSE** the Hon'ble Tribunal has made patent error in relying upon the order dated 29.04.2019 passed in *Nitin Shankar Deshpande(supra)* whereby the standards mentioned in the amended Environment Protection Rules, 2017 have been modified by the Hon'ble Tribunal by virtue of said order, which is pending adjudication before this Hon'ble Court in Civil Appeal No. 5039 of 2019 titled Municipal Corporation of Greater Mumbai Vs. Nitin Shankar Deshpande & Ors.
- g. **BECAUSE** the Hon'ble Tribunal is not justified in holding that BOD and fecal coliform of the STPs and the Kondli/Noida drain are below standard despite the survey conducted by UPPCB and they took water samples from different part of the city and submitted a water analysis report dated 28.03.2022 before the Hon'ble Tribunal wherein, it was found by the UPPCB that the water is colorless and odourless. It was also found that the BOD of the waters were below the prescribed standards of 30 mg/l as stipulated vide notification dated 13.10.2017.
- h. **BECAUSE** the Hon'ble Tribunal has wrongly observed that no effective monitoring mechanism or dedicated monitoring cell manned by qualified person is in place by the Appellant to prevent such occurrence in terms of public trust doctrine, which is contrary to the fact that the appellant has taken steps in terms of the directions issued by the Hon'ble Tribunal and it was only on 21.07.2022, when WAPCOS Limited declined to undertake the certain works.
- i. **BECAUSE** the Hon'ble Tribunal failed to appreciate the compliances made by the Appellant. The Hon'ble Tribunal has ignored the various reports and comparative chart produced before the Hon'ble Tribunal



by the Appellant which clearly shows that the Appellant has made sincere efforts in complying all the recommendations of the CPCB and orders of the Hon'ble Tribunal.

- j. **BECAUSE** the Hon'ble Tribunal failed to look into the milestones achieved by the Appellant and the same was brought before the Hon'ble Tribunal. It may be noted that the all the 6 STPs maintained by the Appellant are running in its full capacity with approx. load of 140 MLD wherein the capacity of all the 6 STPs are 231 MLD and thus no untreated water is being released in the Kondli Drain. However, as per the direction of the Hon'ble Tribunal, the Appellant has already constructed two more STPs having capacity of 100 MLD and 80 MLD each with TTP installed.
- k. **BECAUSE** the Hon'ble Tribunal has erred in ignoring that the main source of the water pollutant is located in Delhi and not the Appellant. It is pertinent to mention here that CPCB in its report dated 18.04.2019 analyzed that BOD of the Kondli Drain, at the point Noida, was 246 and at Yamuna confluence was 82, which is evident that huge amount of untreated water is being released in Delhi in the Kondli drain.
- l. **BECAUSE** the Hon'ble Tribunal has erred in observing that the Appellant has not taken steps against the housing societies for not complying with the prescribed environmental norms. It is submitted that the Appellant has produced several documents, records and letters before the Hon'ble Tribunal showing that the Appellant has taken actions and imposed penalties against the Housing society for not complying the environmental norms. The Appellant has also lodged a FIR against the Polluters and the same was brought on record of the Hon'ble Tribunal but the Hon'ble Tribunal has failed to appreciate the remedial actions taken by the Appellant.

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- m. **BECAUSE** after continuous compliances of the directions given by the Hon'ble Tribunal and recommendations given by the CPCB the Hon'ble Tribunal has imposed a penalty on the Appellant solely on the basis of report of the CPCB according to which compliance report submitted by the Appellant is not upto the mark.
- n. **BECAUSE** the impugned order of the Hon'ble Tribunal has laid down a wrong precedent which is susceptible to great misuse, as the Hon'ble Tribunal completely relied on the reports of the Joint Committee and overlooked the evidences and reports produced by the Appellant.
- o. **BECAUSE** the environmental compensation which has been imposed by this Hon'ble Tribunal on the appellant would be loss to the public exchequer.
- p. **BECAUSE** the Impugned order passed by the Hon'ble Tribunal has resulted in grave mis-carriage of justice and have caused serious prejudice to the Appellant herein.

PRAYER:

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- (i) Admit and Allow the present Appeal and set aside the impugned Judgment and final order dated 03.08.2022 in Original Application No.1002/2018 and Order dated 05.09.2022 in Review Application No. 25 of 2022 passed by the National Green Tribunal, Principal Bench, New Delhi.
- (ii) Pass such further order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.

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AND FOR WHICH KINDNESS THE APPELLANT IS DUTY BOUND,
SHALL EVER PRAY.

FILED BY:

(RAJINDER SINGH)
Advocate for the Appellant

Place: New Delhi
Filed on: 31.10.2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal No. _____ of 2022

IN THE MATTER OF:

New Okhla Industrial Development Authority ..Appellant
Versus
State of U.P. and others ..Respondents

CERTIFICATE

Certified that this Appeal is confined only to the pleadings before the Court whose order is challenged and the trial court and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Appeal except as stated therein. It is further certified that the copies of the documents attached to the Appeal are necessary to answer the question of law raised in the Appeal or to make out grounds urged in the Appeal for consideration of this Hon'ble Court. This Certificate is given on the basis of the instructions given by the Petitioner.

FILED BY

RAJINDER SINGH
ADVOCATE FOR THE APPELLANT

FILED ON: 31.10.2022
New Delhi



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022

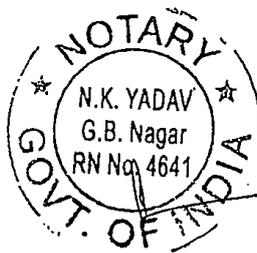
IN THE MATTER OF:

New Okhla Industrial Development Authority ... Appellant
 Versus
 State of U.P. and others ... Respondents

AFFIDAVIT

I, Sanjay Parashar, aged about 58 years, Son of Late Shri Dinesh Chand Parashar, posted as Senior Manager (Jal-I), NOIDA, Main Administrative Building, Sector-6, NOIDA- 201 301, District- Gautam Budh Nagar, Uttar Pradesh, do hereby solemnly affirm and declare as under:-

1. That I am posted as Senior Manager (Jal-I) in the office of Appellant-NOIDA and as such I am well aware of the facts and circumstances of the instant case based on information derived from the records maintained by the Appellant, hence I am competent to swear this affidavit.
2. That I have read and understood the contents of the Synopsis, List of Dates and Events from page nos. B to Y , Appeal from para nos. 1 to 5 at page Nos. 46 to 88 alongwith the I.A.s. I state that the contents thereof are true and correct to the best of my knowledge and belief.
3. That the annexures filed along with this appeal are true copies of their respective originals.



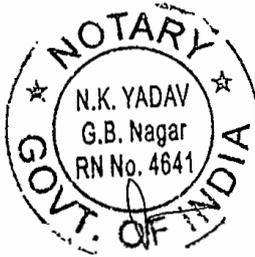
Sanjay Parashar
 DEPONENT

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VERIFICATION

Verified at NOIDA on this 28th day of October, 2022 that the contents of the above affidavit are true and correct to my knowledge and belief, no part of it is false and noting material has been concealed therefrom.

[Signature]
DEPONENT



ATTESTED

[Signature]
N K YADAV
Advocate Notary
(G.B. NAGAR)

28 OCT 2022

CA 8547-48/2022

1

ITEM NO.36+65

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal Nos.8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With IA No.176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.176361/2022 - EXEMPTION FROM FILING O.T. and IA No. 176358/2022 - STAY APPLICATION)

WITH C.A. Diary No.36763/2022

(With IA No.179810/2022 - EX-PARTE STAY, IA No.179808/2022 - PERMISSION TO FILE APPEAL and IA No.179809/2022 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 28-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s)

Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Anil Kaushi, Adv.
Mr. Abhishek Mishra, Adv.
Mr. Rachit Mittal, Adv.
Mr. Rajat Rana, Adv.
Ms. Anju Kaushik, Adv.
Ms. Mugdha Pandey, Adv.
Mr. Rajinder Singh, AOR

Signature Not Verified

Digitally signed by
CHETAN KUMAR
Date: 2022.11.29
16:55:20 IST
Reason: 

Mr. S.V. Raju, ASG
Ms. Asha Gopalana Nair, AOR
Ms. Shakshi Popli, Adv.
Ms. Nivedita Nair, Adv.

For Respondent(s)

Mr. Rajeev Singh, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Permission to file the appeal is granted.
- 2 Delay condoned.
- 3 Issue notice, returnable in eight weeks.
- 4 Pending further orders, there shall be a stay of the impugned order of the National Green Tribunal dated 3 August 2022, insofar as it directs Noida and the Delhi Jal Board to deposit respectively interim compensation of Rs 100 crores and Rs 50 crores.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar

ITEM NO.42

COURT NO.17

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 176361/2022 - EXEMPTION FROM FILING O.T. AND IA No. 176358/2022 - STAY APPLICATION)

WITH

C.A. No. 8967-8968/2022 (XVII)

(IA No. 179810/2022 - EX-PARTE STAY)

Date : 09-04-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) : Mr. S V Raju, A.S.G.
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.
Mr. Shashikant Pralhad Chaudhari, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Anil Kaushik, Sr. Adv.
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.
Mr. Rajinder Singh, AOR

For Respondent(s) : Ms. Samanwaya Rautray, Adv.
Ms. Jyoti Chib, Adv.
Mr. Rajeev Singh, AOR

Mr. Pradeep Misra, AOR
Mr. Anupam Misra, Adv.
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. Anil Kaushik, Sr. Adv.
Mr. Abhishek Mishra, Adv.

Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.
Ms. Sshashi Sharma, Adv.
Mr. Rajinder Singh, AOR

Mr. S.D. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C.k. Verma, Adv.
Dr. N. Visakamurthy, AOR

Mr. Tahir Ashraf Siddiqui, AOR

UPON hearing the counsel the Court made the following
O R D E R

List after two weeks.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(MAMTA RANI)
COURT MASTER

Civil Appeal Nos.8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 176361/2022 - EXEMPTION FROM FILING O.T.

IA No. 176358/2022 - STAY APPLICATION

WITH

C.A. No. 8967-8968/2022 (XVII)

IA No. 179810/2022 - EX-PARTE STAY

Date : 20-05-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE PRASANNA B. VARALEFor Appellant(s) : Mr. S V Raju, A.S.G.
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.
Mr. Shashikant Pralhad Chaudhari, Adv.Mr. V. Giri, Sr. Adv.
Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.
Mr. Rajinder Singh, AORFor Respondent(s) : Mr. Sunil J Mathews, Adv.
Ms. Samanwaya Rautrey, Adv.
Ms. Jyoti Chib, Adv.
Mr. Rajeev Singh, AORMr. Pradeep Misra, AOR
Ms. Indu Misra, Adv.
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.

3492

Mr. Rajinder Singh, AOR

Mr. Tahir Ashraf Siddiqui, AOR

Mr. Mayur Punjabi, Adv.

Mr. S.d. Sanjay, A.S.G.

Mr. Akshay Amritanshu, Adv.

Mr. Padmesh Mishra, Adv.

Ms. Rajeshvari Shankar, Adv.

Mr. Shashwat Parihar, Adv.

Mr. C.k. Verma, Adv.

Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following
O R D E R

C.A. Nos.8967-8968/2022:

Learned counsel for the appellants have informed the Court and have placed a copy of an order dated 10.07.2024 passed by the National Green Tribunal, Principal Bench, New Delhi wherein it is observed:

"20. From latest report dated 05.07.2024 filed by DPCC, it is evident that all the Kondli STPs-Phase-I, Phase-II & Phase-III and Phase-IV are meeting the prescribed norms.
21. However, DPCC is directed to periodically conduct analysis of the samples collected from Inlet and Outlet of the STPs for monitoring compliance status of the STPs."

In light of the above, we deem it appropriate to require the appellant to file the aforesaid order through an additional affidavit along with the current status of report.

List on 13.08.2025.

C.A. Nos.8547-8548/2022:

Learned counsel for the appellant prays for time to file a fresh status report.

List on 13.08.2025.

(NEHA GUPTA)

(SAPNA BANSAL)

SENIOR PERSONAL ASSISTANT

3493

COURT MASTER (NSH)

ITEM NO.18

COURT NO.15

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 176361/2022 - EXEMPTION FROM FILING O.T.

IA No. 176358/2022 - STAY APPLICATION

WITH

C.A. No. 8967-8968/2022 (XVII)

FOR EX-PARTE STAY ON IA 179810/2022

IA No. 179810/2022 - EX-PARTE STAY

Date : 13-08-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. S.V.Raju, A.S.G.

Ms. Asha Gopalan Nair, AOR

Ms. Nivedita Nair, Adv.

Ms. Surbhi Singh, Adv.

Mr. Shashikant Pralhad Chaudhari, Adv.

Mr. Anil Kaushik, Sr. Adv.

Mrs. Shashi Sharma, Adv.

Mr. Rajinder Singh, AOR

Mr. Abhishekh Mishra, Adv.

Mr. Rajat Rana, Adv.

Mr. Mayank Gautam, Adv.

For Respondent(s) :

Mr. Sunil J Mathews, Adv.
Ms. Samanwaya Rautrey, Adv.
Mr. Rajeev Singh, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyan, Adv.
Mr. Suraj Singh, Adv.

Mr. Tahir Ashraf Siddiqui, AOR
Mr. Mayur Punjabi, Adv.

Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishekh Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.

Mr. S.D. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C. K. Sharma, Adv.
Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following
O R D E R

C.A. Nos.8547-8548/2022

1. Noida has filed a status report in compliance of this Court's Order dated 20.05.2025 regarding compliance of directions issued by the National Green Tribunal (NGT).

2. In order to ensure that the facts stated in the status report reflect ground reality, we deem it appropriate to require UP State Pollution Control Board (UPPCB), which is represented by Mr.

Pradeep Misra, Advocate; and the Central Pollution Control Board (CPCB), which is represented by Mr. Tahir Ashraf Siddiqui, Advocate, to submit a report after verification of the facts stated in the status report submitted by Noida.

3. Such verification exercise shall be carried out by officers jointly nominated by CPCB and UPPCB by carrying out inspection of the site after serving notice on Noida. Thereafter, a detailed report regarding the compliances, if any, made by Noida in terms of the directions issued by NGT in paragraph 29 and 30 of the impugned order, shall be submitted within six weeks.

4. In the meantime, the complainant will have liberty to go through the status report and file its own affidavit. If the complainant finds that compliances shown in the status report are not there on ground, it shall submit proof thereof by submitting photographs etc. along with its affidavit so as to enable the Court to assess whether compliances have been made or not.

5. List on 08.10.2025.

C.A. Nos.8967-8968/2022

1. Delhi Jal Board has filed a status report in compliance of this Court's Order dated 20.05.2025 regarding compliance of directions issued by the National Green Tribunal (NGT).

2. In order to ensure that the facts stated in the status report

reflect ground reality, we deem it appropriate to require Delhi Pollution Control Committee (DPCC), which is represented by Mr. Pradeep Misra, Advocate and; the Central Pollution Control Board (CPCB), which is represented by Mr. Tahir Ashraf Siddiqui, Advocate, to submit a report after verification of the facts stated in the status report submitted by Delhi Jal Board.

3. Such verification exercise shall be carried out by officers jointly nominated by CPCB and DPCC by carrying out inspection of the site after serving notice on Delhi Jal Board. Thereafter, a detailed report regarding the compliances, if any, made by Board in terms of the directions issued by NGT in paragraphs 29 and 30 of the impugned order, shall be submitted within six weeks.

4. In the meantime, the complainant will have liberty to go through the status report and file its own affidavit. If the complainant finds that compliances shown in the status report are not there on ground, it shall submit proof thereof by submitting photographs etc. along with its affidavit so as to enable the Court to assess whether compliances have been made or not.

5. List on 08.10.2025.

(RASHI GUPTA)
COURT MASTER (SH)

(SAPNA BANSAL)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 176361/2022 - EXEMPTION FROM FILING O.T., IA No. 176358/2022 - STAY APPLICATION)

WITH

C.A. No. 8967-8968/2022 (XVII)

IA No. 179810/2022 - EX-PARTE STAY

Date : 08-10-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Appellant(s) : Mr. S.v. Raju, A.S.G.
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.
Mr. Shashikant Pralhad Chaudhari, Adv.Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.For Respondent(s) : Mr. Sunil J Mathews, Adv.
Ms. Samanwaya Rautray, Adv.
Ms. Jyoti Chib, Adv.
Mr. Rajeev Singh, AORMr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.

Mr. Tahir Ashraf Siddiqui, AOR

Mr. S.d. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C. K. Sharma, Adv.
Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. On 13.08.2025, following order was passed:

"C.A. Nos.8547-8548/2022

1. Noida has filed a status report in compliance of this Court's Order dated 20.05.2025 regarding compliance of directions issued by the National Green Tribunal (NGT).

2. In order to ensure that the facts stated in the status report reflect ground reality, we deem it appropriate to require UP State Pollution Control Board (UPPCB), which is represented by Mr. Pradeep Misra, Advocate; and the Central Pollution Control Board (CPCB), which is represented by Mr. Tahir Ashraf Siddiqui, Advocate, to submit a report after verification of the facts stated in the status report submitted by Noida.

3. Such verification exercise shall be carried out by officers jointly nominated by CPCB and UPPCB by carrying out inspection of the site after serving notice on Noida. Thereafter, a detailed report regarding the compliances, if any, made by Noida in terms of the directions issued by NGT in paragraph 29 and 30 of the impugned order, shall be submitted within six weeks.

4. In the meantime, the complainant will have liberty to go through the status report and file its own affidavit. If the complainant finds that compliances shown in the status report are not there on ground, it shall submit proof thereof by submitting photographs etc. along with its affidavit so as to enable the Court to assess whether compliances have been made or not.

5. List on 08.10.2025.

C.A. Nos.8967-8968/2022

1. Delhi Jal Board has filed a status report in compliance of this Court's Order dated 20.05.2025 regarding compliance of directions issued by the National Green Tribunal (NGT).

2. In order to ensure that the facts stated in the status report reflect ground reality, we deem it appropriate to require Delhi Pollution Control Committee (DPCC), which is represented by Mr. Pradeep Misra, Advocate and; the Central Pollution Control Board (CPCB), which is represented by Mr. Tahir Ashraf Siddiqui, Advocate, to submit a report after verification of the facts stated in the status report submitted by Delhi Jal Board.

3. Such verification exercise shall be carried out by officers jointly nominated by CPCB and DPCC by carrying out inspection of the site after serving notice on Delhi Jal Board. Thereafter, a detailed report regarding the compliances, if any, made by Board in terms of the directions issued by NGT in paragraphs 29 and 30 of the impugned order, shall be submitted within six weeks.

4. In the meantime, the complainant will have liberty to go through the status report and file its own affidavit. If the complainant finds that compliances shown in the status report are not there on ground, it shall submit proof thereof by submitting photographs etc. along with its affidavit so as to enable the Court to assess whether compliances have been made or not.

5. List on 08.10.2025."

2. The learned counsel representing the Central Pollution Control Board (CPCB) has made a statement that pursuant to the above order, samples have been collected and reports are awaited. He, accordingly, prays for three weeks' time to submit a fresh

status/compliance report.

3. At this stage, learned counsel or the complainant submits that as per the liberty given to the complainant vide para 4 of the Order dated 13th August, 2025, they have not been able to verify the ground position on account of excessive rains in the intervening period.

4. Accordingly, they pray for an opportunity to file their own affidavit by the next date.

5. List this matter on 19th November, 2025. By the next date of hearing, the necessary affidavit/compliance reports be filed. As and when the reports are received, copy of the same shall be shared with the appellant.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(CHETNA BALOONI)
COURT MASTER (NSH)

ITEM NO.15

COURT NO.15

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 176361/2022 - EXEMPTION FROM FILING O.T.

IA No. 176358/2022 - STAY APPLICATION

WITH

C.A. No. 8967-8968/2022 (XVII)

IA No. 179810/2022 - EX-PARTE STAY

Date : 19-11-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Appellant(s) :

Mr. S V Raju, ASG
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.
Ms. Tanya Raizada, Adv.

For Respondent(s) :

Mr. Sunil J Mathews, Adv.
Samanwaya Rautray, Adv.
Ms. Jyoti Singh, Adv.
Mr. Rajeev Singh, AORMr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Signature Not Verified

Digitally signed by
NISHA KHULBEY
Date: 2025.11.22
13:02:53 IST
Reason: 

Mr. Anil Kaushik, Sr. Adv.
Mrs. Shashi Sharma, Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mr. Mayank Gautam, Adv.
Ms. Tanya Raizada, Adv.

Mr. Tahir Ashraf Siddiqui, AOR
Mr. Mayur Punjabi, Adv.

Mr. S.D. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C. K. Sharma, Adv.
Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Learned counsel for the Central Pollution Control Board (CPCB) submits that they have filed the compliance affidavit in the Registry yesterday.
2. The said compliance affidavit is not on record.
3. List the matters on 03.12.2025.
4. Registry is directed to trace and place the compliance affidavit on record.
5. Response to the said compliance affidavit, if any, may also be filed by the next date of hearing.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(SAPNA BANSAL)
COURT MASTER (NSH)

ITEM NO.21

COURT NO.14

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 176361/2022 - EXEMPTION FROM FILING O.T.

IA No. 176358/2022 - STAY APPLICATION

WITH

C.A. No. 8967-8968/2022 (XVII)

FOR EX-PARTE STAY ON IA 179810/2022

IA No. 179810/2022 - EX-PARTE STAY

Date : 03-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Appellant(s) : Ms. Asha Gopalan Nair, AOR

Mr. V Giri, Sr. Adv.
Mr. Anil Kaushik, Sr. Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishekh Mishra, Adv.
Mr. Rajat Rana, Adv.
Mrs. Shashi Sharma, Adv.
Mr. Mayank Gautam, Adv.

Mr S V Raju, ASG.
Mr Sandeepan Pathak, Adv.

Respondent(s) :

Mr. Sunil J Mathews, Adv.
Samawaya Rautray, Adv.
Ms. Jyoti Singh, Adv.
Mr. Rajeev Singh, AOR

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CHETAN KAPUR
Date: 2025.12.04
15:41:32 IST
Reason: 

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. V Giri, Sr. Adv.
Mr. Anil Kaushik, Sr. Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishekh Mishra, Adv.
Mr. Rajat Rana, Adv.
Mrs. Shashi Sharma, Adv.
Mr. Mayank Gautam, Adv.

Mr. Tahir Ashraf Siddiqui, AOR
Mr. Mayur Punjabi, Adv.
Mr. Kartikey Sahai, Adv.

Mr. S.d. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C. K. Sharma, Adv.
Dr. N. Visakamurthy, AOR

Mr Shubham P Mishra, Adv.
Mr Shubh Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. We have perused the compliance affidavits filed by Central Pollution Control Board (CPCB) in these appeals.
2. In the compliance affidavit filed in the appeal of NOIDA, findings are codified in paragraph 5. In sub-para (4) of paragraph 5, it is stated that till date possession of land has not been provided to U.P. Jal Nigam in Khoda - Makanpur, as a result,

construction work of Sewage Treatment Plant (STP) has not yet started. It is also stated that the entire wastewater generated from Khoda Nagar Palika flows through Delhi and eventually merges into the Kondli / NOIDA drain.

3. The learned Counsel representing NOIDA submits that the land for setting up STP unit has been provided to Khoda - Makanpur Municipality. However, the land has not yet been handed over to the U.P. Jal Nigam for construction of STP.

4. In such circumstances a response from State of UP is required.

5. As per Office Report, no one has entered appearance to represent the State of U.P. though it is impleaded as first respondent in the appeal. In such circumstances, we deem it appropriate to issue notice to the State of U.P., returnable in two weeks. Notice may be served through the standing counsel representing the State of UP in this Court.

6. The State of UP shall file its response, by way of an affidavit, disclosing whether U.P. Jal Nigam has been handed over possession of the land provided by NOIDA for setting up STP. The affidavit shall also indicate the time frame within which the

STP shall be established at Khoda-Makanpur.

7. The other compliance affidavit submitted by Central Pollution Control Board ("CPCB") discloses the analytical results of STPs of NOIDA in respect of samples drawn on 15.10.2025 by Shriram Institute for Industrial Research. However, it is not disclosed whether the analytical results, reflected in the table, are in conformity with the norms. We, therefore, require the CPCB to file a better affidavit disclosing whether the analytical data of the samples analyzed by Shriram Institute for Industrial Research conforms with the norms or not.

8. Further, the samples analyzed were drawn on 15.10.2025 when the extended rainy season of this year had not ended. We therefore deem it appropriate to require the CPCB to draw fresh samples from the eight STPs (inlet /outlet) as well as wetlands within two weeks from today.

9. Likewise, the State Pollution Control Board ("SPCB"), U.P. shall also draw samples from all 8 STPs (inlet/ outlet) as well from wetlands from each of the 8 STPs within two weeks from today.

10. CPCB and SPCB shall obtain analysis report of

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the samples so drawn and shall bring it on record by the next date.

11. The samples so drawn shall be shared with the appellants-Delhi Jal Board as well as NOIDA so that they may carry out analysis of the samples from their own sources.

12. List these matters on 21.01.2026.

13. By the next date, Delhi Jal Board may file its response to the compliance affidavit.

14. The complainant may also file its response to the compliance affidavit by the next date.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 176361/2022 - EXEMPTION FROM FILING O.T., IA No.
176358/2022 - STAY APPLICATION

WITH

C.A. No. 8967-8968/2022 (XVII)

IA No. 179810/2022 - EX-PARTE STAY

Date : 21-01-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) : Mr. V. Giri, Sr. Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mrs. Shashi Sharma, Adv.
Mr. Mayank Gautam, Adv.Mr. S. V. Raju, A.S.G.
Mr. Sandeepan Pathak, AOR
Mr. Hitarth Raja, Adv.
Mr. Shaurya Sarin, Adv.For Respondent(s) : Mr. Sunil J Mathews, Adv.
Mrs. Samanwaya Rautrey, Adv.
Ms. Jyoti Chib, Adv.
Ms. Ashtami Khatri, Adv.
Ms. Achint Priya, Adv.
Mr. Rajeev Singh, AORMr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. V Giri, Sr. Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishek Mishra, Adv.
Mr. Rajat Rana, Adv.
Mrs. Shashi Sharma, Adv.
Mr. Mayank Gautam, Adv.

Mr. Tahir Ashraf Siddiqui, AOR

Mr. S.D. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C. K. Sharma, Adv.
Dr. N. Visakamurthy, AOR
Mr. Shubham Prakash Mishra, Adv.
Mr. Shubh Sharma, Adv.
Mr. Kunal Vinayak, Adv.
Mr. Khushal Kolwar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Pursuant to order dated 03.12.2025, no response has been received from the State of Uttar Pradesh. The learned counsel for the appellant submits that he would personally ensure that the Standing Counsel representing the State of U.P. of this Court is served with notice of these proceedings.
2. In view of the above, let notice of these proceedings be served upon the Standing Counsel representing the State of U.P.
3. List on 04.02.2026.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)