



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद

Regional Office, U.P. Pollution Control Board, Ghaziabad

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

संदर्भ संख्या : 1072/NGT-131/OA-139/2019/2022

दिनांक 14/7/2022

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in & ngt.filling@gmail.com

Mol

Sub: Compliance Report to Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in OA No-139/2019 Mahagunpuram Apartment Owners Association Versus Ghaziabad Development Authority & Ors.

Respected Sir,

With reference to the above-mentioned subject Compliance Report to Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in OA No-139/2019 Mahagunpuram Apartment Owners Association Versus Ghaziabad Development Authority & Ors. Report is hereby submitted for kind perusal and necessary action please.

Enclosure: Joint report.

Yours Sincerely

Utsav Sharma
(Utsav Sharma)
Regional Officer

Copy to:

- 1- Member Secretary, Central Pollution Control Board, New Delhi for information.
- 2- Member Secretary, U.P. Pollution Control Board, Lucknow for information.
- 3- Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
- 4- Chief Environmental Officer, Circle-1, U.P. Pollution Control Board, Lucknow for information.
- 5- Law Officer-I, U.P. Pollution Control Board, Lucknow for information.

Regional Officer

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ २२६०१०

Compliance Report

In

Original Application No. 139/2019

Mahagunpuram Apartment Owners Association

Versus

Ghaziabad Development Authority & Ors.

Filed on Behalf of:

Uttar Pradesh Pollution Control Board

1. Background

The matter pertains to compliance of specific condition of Environmental Clearance issued to M/s Mahagunpuram, Village Mehrauli, NH 24, Ghaziabad by SEIAA, UP vide order dated 22.03.2017. It has been stated that the plot area of the said project is 54,630 sqm and as per condition number 10 of the environmental clearance, 15% of the plot area has to be left for green belt development.

Accordingly, the matter was heard by Hon'ble Tribunal on 20.08.2018, 08.07.2021, 03.02.2022 and 25.03.2022. Hon'ble Tribunal had taken the report filed by the State PCB on record on 03.02.2022 and relied upon the stand of the State PCB. Further, following orders have been passed by the Hon'ble Tribunal during last date of hearing, that is on 25.03.2022.

“...In view of above, we direct the State PCB and the GDA to ensure compliance of directions already issued, taking such coercive measures as necessary and compliance report filed by email at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Vice Chairman, GDA may remain present on the next date by video conferencing. The GDA may ensure that the builder does not to create any further third party right, till compliance.

The State PCB and GDA may put the PP to notice of this proceeding for its response, if any, before this Tribunal, within one month from today....”

Report in compliance of above-mentioned orders is as below.

2. Compliance Report:

In compliance of Hon’ble Tribunal’s orders dated 25.03.2022, the notice has been served to Director, Mahagunpuram Real Estate Pvt Ltd on 31.03.2022, copy of said notice is annexed as *Annexure I*. Further, with regards to directions regarding taking coercive measures, it is humbly submitted that Mahagun Real Estate Pvt. Ltd. had filed a Writ Petition (2139 Of 2022) in Hon’ble High Court of Judicature at Allahabad, Lucknow Bench in which following orders have been passed on 13.04.2022:

“...Put up this case on 19.04.2022 as fresh. In the meantime, it is directed that till the next date of listing, no coercive measure shall be taken against the petitioner/firm.”

Copy of said order is annexed as *Annexure II*. Report is being put up for kind perusal and further necessary directions.



(Kishan Singh)
Assistant Environment Engineer,
UPPCB, Ghaziabad



(Utsav Sharma)
Regional Officer, UPPCB
Ghaziabad



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.com, e-mail: roghaziabad@uppcb.in

ANNEXURE-1

संदर्भ संख्या : 22291 / एन०जी०टी०-131 / ओ०ए०नं-139 / 19 / 2022

दिनांक 31/03/2022

सेवा में,

Director,
Mahagunpuram Real Estate Pvt. Ltd
Village Mehrauli, NH-24, Ghaziabad.

विषय: मा० एन०जी०टी० नई दिल्ली में योजित OA No-139/2019 Mahagunpuram Apartment Owners Association Versus Ghaziabad Development Authority & Ors. में पारित आदेश दिनांक 25.03.2022 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा० एन०जी०टी० नई दिल्ली में योजित OA No-139/2019 Mahagunpuram Apartment Owners Association Versus Ghaziabad Development Authority & Ors. में पारित आदेश दिनांक 25.03.2022 (छायाप्रति संलग्न है) को आदेश पारित किए गये हैं, जिसका मुख्य अंश निम्नवत् है:-

"6.... In view of above, we direct the State PCB and the GDA to ensure compliance of directions already issued, taking such coercive measures as necessary and compliance report filed by email at judicialngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Vice Chairman, GDA may remain present on the next date by video conferencing. The GDA may ensure that the builder does not to create any further third party right, till compliance. The State PCB and GDA may put the PP to notice of this proceeding for its response, if any, before this Tribunal, within one month from today...."

उक्त आदेश के अनुपालन में मा० एन०जी०टी० द्वारा पारित आदेश दिनांक 16.03.2022 की छायाप्रति एवं संयुक्त समिति द्वारा दाखिल की गयी रिपोर्ट की प्रति संलग्नकर आपको सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक: उपरोक्तानुसार।

भवदीय


(उत्सव शर्मा)
क्षेत्रीय अधिकारी

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित।

1. जिलाधिकारी महोदय, गाजियाबाद।
2. मुख्य पर्यावरण अधिकारी, वृत्त-1, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. मुख्य विधि अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
- 4- Director, Mahagunpuram Real Estate Pvt. Ltd., CORPORATE OFFICE, A - 19, Sector - 63 Noida, Uttar Pradesh. Pin Code - 201301, Email: info@mahagunindia.com


क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई०एन०एस०-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

E-Case :- WRIT - C No. - 2139 of 2022

Petitioner :- Mahagun Real Estate Pvt. Ltd. Through its Authorized Signatory

Respondent :- State of U.P. Department Of Environment, Forest And Climate Change Thu. Prin. Secy. And 4 Others

Counsel for Petitioner :- Ashish Shukla

Counsel for Respondent :- C.S.C., Ashok Kumar Verma

Hon'ble Devendra Kumar Upadhyaya, J.

Hon'ble Subhash Vidyarthi, J.

The Issue raised in this petition relates to the statutory or otherwise competence of U.P. Pollution Control Board to levy environment compensation.

It has been argued by Shri J.N. Mathur, learned Senior Advocate assisted by Shri Siddharth Nandwani, learned counsel appearing for the petitioner that neither the National Green Act nor under the Environment Protection Act wherein the Pollution Control Board has been created, confers any authority or power or jurisdiction on the Pollution Control Board to levy environment compensation.

Shri Ashok Kumar Verma, learned counsel for the respondent has submitted that the impugned order has been passed in compliance of some orders passed by the National Green Tribunal. He has attempted to argue that it is not that such a levy has been imposed by the Pollution Control Board without there being any statutory backing.

Shri Verma remains inconclusive in his arguments.

Put up this case on **19.04.2022 as fresh**. In the meantime, it is directed that till the next date of listing, no coercive measure shall be taken against the petitioner/firm.

Order Date :- 13.4.2022

Jaswant