

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****M.A. NO. 77 OF 2025****IN****ORIGINAL APPLICATION NO. 294 OF 2023****IN THE MATTER OF:**

PRASOON PANT & ANR.

...APPLICANTS

VERSUS

UTTAR PRADESH POLLUTION CONTROL BOARD & ORS.

...RESPONDENTS

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THROUGH



RITWICK DUTTA



RAHUL CHOUDHARY

COUNSELS FOR THE APPLICANT

N-73, Lower Ground Floor,

Greater Kailash-1,

New Delhi-110048

Mobile No. 9312407881

Email:- litigation@dclawchambers.com

PLACE:- NEW DELHI

DATED:- 01.04.2026

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

M.A. NO. 77 OF 2025

IN

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CONSOLIDATED RESPONSE TO REPORTS DATED 16.09.2025, 30.10.2025

AND 19.01.2026 SUBMITTED BY THE RESPONDENT NO. 1

MOST RESPECTFULLY SHOWETH:

1. That the above-titled Original Application was filed by the Applicants before this Hon'ble Tribunal on 12.04.2023 raising a complaint against Hospitality Establishments like restaurants, hotels, malls, operating in District Ghaziabad without obtaining requisite consent under Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as Water Act, 1974) and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'Air Act, 1981').
2. That vide order dated 23.08.2024, this Hon'ble Tribunal disposed of the matter by passing an order directing all the hospitality establishments who were Respondents in the above-mentioned Original Application to apply for Consent to Establish and Consent to Operate from the Uttar Pradesh Pollution Control Board (UPPCB) within a period of three months i.e. by 23.11.2024. It was also

directed that after the three months granted, those establishments which don't have consent would not be allowed to operate. In this regard, the UPPCB was directed to file a compliance report by 15.01.2025 showing status of compliance as on 31.12.2024. In compliance of the above-mentioned order, the UPPCB submitted its report dated 21.04.2025 and the same was listed as M.A. No. 77 of 2025 as mentioned above.

3. That thereafter, the UPPCB filed its Reports dated 16.09.2025 and further compliance reports on 30.10.2025 and 19.01.2026 in compliance of the directions of this Hon'ble Tribunal. Therefore, the Applicants are filing a consolidated Response to Reports dated 16.09.2025, 30.10.2025 and 19.01.2026. At the outset, the Applicants deny all contents of the reports except for what is part of matter of record, and the same is not being repeated for the sake of brevity. That the Applicants are raising following objections to the Reports by UPPCB:

a. No details about recovery of environment compensation given by UPPCB:

4. That this Hon'ble Tribunal vide order dated 23.08.2024 had directed that the units which have not obtained consents within a period of three months from passing of the final order i.e. by 23.11.2024, they would be liable for environment compensation and closure of their unit, until they obtain the required Consent to Operate (CTO). The relevant portion is reproduced below:

"22. In respect of the proponents who have not obtained any consent till date, looking to the facts and circumstances and also the fact that in most of the cases, it is the lack of knowledge or information by the concerned proponents, we allow them three months' time to apply and obtain consent from the competent authority i.e. UPPCB. After three months, hospitality establishments who have not obtained

consents shall not be allowed to operate. Appropriate orders for closure of such units shall be passed by the competent authority of UPPCB in accordance with law and actual closure shall be monitored effectively till the statutory consent is obtained by such Proponents and thereafter they would continue to comply with the consent conditions. With regard to such Proponents who failed to obtain consent within the time allowed by this Tribunal, competent authority of UPPCB shall also take punitive, preventive, prohibitive and remedial steps including, assessment and recovery of Environmental Compensation, expeditiously."

5. That as per the reports, the units that had not obtained Consents, their units were shown to have closure order issued but then the order were shown to have been revoked on obtainment of CTO. It is also shown that the environment compensation has also been recovered. However, the issue herein is that no details on compensation recovery has been given by the UPPCB.

b. UPPCB has not mentioned details about periodical inspection and monitoring of conditions:

6. That further, the UPPCB has said in its report that units that have applied after the disposal of the above-titled Original Application, the UPPCB has granted consent to the same. However, after perusing the reports dated 16.09.2025, 30.10.2025 and 19.01.2026, it can be clearly seen that the UPPCB is granting CTOs as a mechanical exercise. No verifications are being made such as whether restaurants with 36 seating capacity and more have installed Effluent Treatment Plants, as required under the CPCB Mechanism/Guidelines *for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Are/Cluster of Restaurants/Hotels/Motels/Banquets etc.* (Prepared in compliance of OA No. 400/2017 Westend Green Farms Society v. Union of India). The relevant portion is reproduced below:

"A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.

A restaurant with minimum seating capacity of 36 shall install ETP and treated effluent water from ETP installed should meet existing Environmental Standard notified by the MoEF&CC vide GSR 794(E) dated 04.11.2009 and reproduced as under. The standard may be made stringent by concerned SPCB/PCCS"

A copy of the relevant portion of the CPCB Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Are/Cluster of Restaurants/Hotels/Motels/Banquets etc. is annexed herewith as **ANNEXURE A-1.**

7. The UPPCB has also not mentioned details of periodical inspections and monitoring of compliance of conditions of the CTO granted to units, as directed by this Hon'ble Tribunal in the final order dated 23.08.2024 in the above-titled Original Application.

c. The UPPCB has incorrectly mentioned the total no. of units which have obtained CTO:

8. That the UPPCB in its compliance report, in respect of order passed by the Hon'ble Tribunal dated 05.08.2025 has stated that 84 units are presently having CTO and are complying with provisions of Water & Air Acts. However, out of 84 units mentioned at the bottom of ANNEXURE 7 (Pg 1666), at least 14 units are named twice in the report having been listed as follows:

S.No.	Name of establishment	Repetition of the units at Sr. No. mentioned in Annexure 7 of report dated 16.09.2025

i.	Ansal Plaza	26 & 82
ii.	Jaipuria Mall	27 & 83
iii.	EDM Mall	28 & 81
iv.	Silver Spoon	29 & 70
v.	Golden Tulip	30 & 69
vi.	Vintage Banquets	31 & 76
vii.	Galaxy Mall	32 & 77
viii.	Crystal Palace hotel	33 & 84
ix.	Mukut Regency hotel	34 & 75
x.	RK Residency hotel	35 & 71
xi.	Banana Tree hotel	39 & 73
xii.	Sunshine Park hotel	40 & 78
xiii.	Hollywood Dreams hotel	41 & 72
xiv.	Signature Global mall	42 & 74

9. That as per the report dated 19.01.2026, the total units which have obtained CTO is 90. However, as per the above-mentioned detail the total units till date having CTOs are 76 units only and not 90.

d. The UPPCB has not identified all the units operating in Ghaziabad:

10. It is further submitted that the Applicants anticipate that the total no. of units identified by the UPPCB i.e. 165 is incorrect. Rather there are more than 400 hotels which are still not identified. As per the newspaper article dated 21.05.2025 titled '*Ghaziabad hotels without papers to face legal action*', it was recorded that:

"On Dec 31,2024, police inspected around 400 hotels across the district and found at least 192 were operating without the required documents. The highest concentration of such establishments was found in the transHindon area — particularly around marriage halls in Indirapuram, Kaushambi, Vasundhara and Vaishali — followed by areas around the railway station, Ghanta Ghar, and the old bus stand.

Hotel operators are required to secure NOCs from the municipal corporation, fire department, police, environment and tourism departments before applying for registration under the Sarai Act."

A copy of the newspaper article dated 21.05.2025 titled 'Ghaziabad hotels without papers to face legal action' is annexed herewith as **ANNEXURE A-2.**

11. That as per the newspaper report, there are at least 400 hotels in the district and about 192 hotels operating without the required permission as compared to total 165 units identified by UPPCB. As per the above-mentioned Guidelines by the CPCB, all units are required to obtain the Consent to Operate before starting operation. The relevant portion is reproduced below:

"3.2 Air Pollution

...

(iii) Consent to establish and Consent to operate

a) As per the Water Act 1974 and Air Act 1981 units obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.

b) Further, the SPCB/PCC to direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.

c) The SPCB/PCC may workout and assess the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB."

Hence, all units are required to be identified for obtainment of the Consent to Operate in compliance of the directions of this Hon'ble Tribunal vide order dated 23.08.2024.

12. That therefore, based on the above submissions and objections, this Hon'ble Tribunal may be pleased to pass appropriate directions.

13. Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.



APPLICANT No. 2

THROUGH



RITWICK DUTTA



**RAHUL CHOUDHARY
COUNSELS FOR THE APPLICANTS**

N-73, Lower Ground Floor,
Greater Kailash-1,
New Delhi-110048
Mobile No. 9312407881
Email:- litigation@dclawchambers.com

VERIFICATION

Verified by Pradeep Kumar, S/o Chandu Lal, aged about 37 years, R/o Village Sunpura, Post Vaidpura, Greater Noida, Gautam Budh Nagar, Uttar Pradesh- 201012, do hereby verify that the contents of Paragraphs 1 to 13 are true to my personal knowledge and nothing material has been concealed therefrom.



APPLICANT No. 2

**PLACE:- NEW DELHI
DATED:- 01.04.2026**

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
M.A. No. 77 of 2025
IN
ORIGINAL APPLICATION No. 294 of 2023**

IN THE MATTER OF:

Prasoon Pant & Anr.

...Applicants

Versus

Uttar Pradesh PCB & Ors.

...Respondents

AFFIDAVIT

I, Pradeep Kumar, S/o Chandu Lal, aged about 37 years, R/o Village Sunpura, Post Vaidpura, Greater Noida, Gautam Budh Nagar, Uttar Pradesh- 201012, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am Applicant No. 2 in the above titled Application and am well conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of accompanying Response are true and correct and nothing material has been concealed therefrom.

Pradeep Kumar

DEPONENT

VERIFICATION

Verified on this 1 day of April, 2026 that the contents of present Affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



ATTESTED

NOTARY PUBLIC

Pradeep Kumar

DEPONENT

ANNEXURE A-1

Mechanism/Guidelines

for

Control of Pollution and Enforcement of Environment Norms

at

**Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets
etc.**

Prepared by

**Central Pollution Control Board
Pariviesh Bhawan, East Arjun Nagar, Delhi – 110032**

**(In compliance with the Hon'ble NGT Order dated 19.09.2019 in the matter of OA No.
400/2017 titled as Westend Green Farms Society Vs Union of India &Ors.)**

(A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.

A restaurant with minimum seating capacity of 36 shall install ETP and treated effluent water from ETP installed should meet existing Environmental Standard notified by the MoEF&CC vide GSR 794(E) dated 04.11.2009 and reproduced as under. The standard may be made stringent by concerned SPCB/PCCS.

Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
	Inland surface water	On land for irrigation
pH	5.5-9.0	5.5-9.0
BOD _{3days, 27°C}	100	100
Total Suspended Solids	100	100
Oil & Grease	10	10

(B) Effluent discharge norms for hotels

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land for irrigation
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD _{3 days, 27°C}	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m ² or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD _{3 days, 27°C}	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

Effluent from the unit shall comply with the above norms as applicable

- c) The units shall provide effluent treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, floor washing, gardening and other non-potable purposes.
- d) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.

3.2 Air Pollution

(i) Gensets and Fuel

- a) Units to use approved fuel (e.g. LPG, PNG, Charcoal for tandoor, boiler, etc.). Preference should be given to cleaner fuels in such cases
- b) The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting / hood arrangement and proper exhaust system and emissions
- c) Only Gensets having necessary Type Approval for emissions/ Noise level from the concerned agencies to be installed at the premises
- d) The unit shall provide stack for the emissions from the generator as well as acoustic enclosure for Gensets as per the specified norms

(ii) Energy Conservation Measures

- a) Application of solar energy in various areas such as illumination, water heating should be promoted
- b) Use of inverters instead of Diesel Generator Sets to be encouraged
- c) Use of LED bulbs should be adopted

(iii) Consent to establish and Consent to operate

- a) As per the Water Act 1974 and Air Act 1981 units obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.
- b) Further, the SPCB/PCC to direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
- c) The SPCB/PCC may workout and assess the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

3.3 Solid Waste Management

- (a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules, 2016.
- (b) As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following::
 - **13(1)(d)** Store horticulture waste and garden waste generated from such premises separately in within the own premises and
 -
 - **13 (2)** No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

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THE TIMES OF INDIA**ANNEXURE A-2**

1765

Ghaziabad hotels without papers to face legal action

May 21, 2025, 12.09 AM IST



Ghaziabad: Nearly 100 hotels in Ghaziabad are likely to face legal action as the district administration has begun a crackdown on establishments operating without mandatory registration under the Sarai Act and without departmental no-objection certificates (NOCs).

City magistrate Santosh Upadhyay said the administration has launched a verification drive and begun issuing notices to such establishments. "We have already sent notices to 10 hotels and are in the process of sending them to the rest," he said.

According to officials, in Jan this year, Ghaziabad Police compiled a list of more than 100 unregistered hotels and submitted it to the

district administration. Based on this list, authorities have now started issuing notices seeking registration and NOC details.

Officials said only around 50 hotels in Ghaziabad are currently registered under the Sarai Act, a colonial-era legislation that mandates registration of all inns, lodges and hotels and requires operators to maintain proper guest records and ensure basic safety and infrastructure standards.

The act is primarily aimed at ensuring public safety and assisting law enforcement. Non-compliance can lead to strict action, including sealing of properties.

On Dec 31,2024, police inspected around 400 hotels across the district and found at least 192 were operating without the required documents.The highest concentration of such establishments was found in the trans-Hindon area — particularly around marriage halls in Indirapuram, Kaushambi, Vasundhara and Vaishali — followed by areas around the railway station, Ghanta Ghar, and the old bus stand. Hotel operators are required to secure NOCs from the municipal corporation, fire department, police, environment and tourism departments before applying for registration under the Sarai Act.

"Many operators avoid the process due to the number of formalities involved, but continuing operations without meeting legal requirements is not permissible," Upadhyay said, warning that non-compliant hotels may be sealed if they fail to produce.



Litigation . <litigation@dclawchambers.com>

**Response on behalf of the Applicant in MA No. 77 of 2025 in OA No. 294 of 2023
Prasoon Pant & Anr. Versus. Uttar Pradesh Pollution Control Board & ors.**

1 message

Litigation . <litigation@dclawchambers.com>

Wed, Apr 1, 2026 at 2:38 PM

To: bhanwar jadon <bhanwar09jadon@gmail.com>, Mukesh Verma <mvermadv@gmail.com>

Dear Sir/madam,

Please find attached-Response on behalf of the Applicant in MA No. 77 of 2025 in OA No. 294 of 2023 Prasoon Pant & Anr. Versus. Uttar Pradesh Pollution Control Board & ors.

Thanks & Regards
Counsel for the Applicants

**Response to Report in MA 77 of 2025 Prasoon Pant v. UPPCB.pdf**

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