

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
NEW DELHI.

O.A. NO 820/2022

IN THE MATTER OF:
NAVEEN KUMAR

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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P/377/1988, P/1769/2016 D/2518/2023 D/4060/2022




PRINCE SHARMA, UDIT SAINI, MEENAL KHANNA & YASH DEWAN
PH/1820/2022, D/6219/2022 PH/4590/2024 & D/7501/2023
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**LIST OF DATES AND EVENTS ON BEHALF OF RESPONDENT NO. 8
I.E. SHIVALIK HOSPITAL**

S.NO.	DATE	PARTICULARS
1.	2013	That upto the year 2013, the said premises i.e. two storeyed building was being solely used for residential purpose. It was only in the year 2013 when, it was decided to set up a 10-bed single storey hospital named "Shivalik Hospital" on the half width (right side half) of the land whereas, the other half (left side half) of the premises was still to be used for residential purpose i.e. a double storeyed residential house.
2.	07.06.2013	NOC from Village Panchayat for establishment of Hospital. (Annexure-R/2 @ Page 239 of the court file)
3.	01.04.2014	Agreement dated 01.04.2014 with Bio Medical Waste Treatment Plant Pvt. Ltd. (BMWT), Village Pangoli for collection of bio-medical waste as per Schedule-1 of the Biomedical Waste (Management and Handling Rules), 1998. Valid for a period of 5 years i.e. upto 01.04.2019. (Annexure-R/3 @ Page 240-242 of the court file)
4.	21.03.2015	Renewed Authorization under Bio-Medical Waste Rules. Valid from 21.03.2017 upto 31.03.2017. (Annexure-R/4 @ Page 243-244 of the court file)
5.	27.07.2017	Show Cause Notice issued by HPPCB which was never received by Respondent No. 8 and rather were verbally advised by Mr. TB Singh to apply for consents. (Annexure-A/1 @ Page 16 of the court file)
6.	08.02.2018	Provisional Registration as a clinical establishment under Section 14 of the Clinical Establishment Act, 2010. Valid for a period of 1 year i.e. upto 08.02.2019. (Annexure-R/5 @ Page 245 of the court file)

7.	2018	<p>Application for CTE and CTO. Application was complete in all respects and was accompanied by the requisite fees. (Annexure-R/6 @ Page 246-249 of the court file)</p> <p>There was no reply whatsoever by the Himachal Pradesh State Pollution Control Board on the application for Consents submitted by the Respondent No. 8. That as per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, since there was no reply to the application for Consents, the Respondent herein was deemed to be operating with the consent of the State Board. Thus, legally speaking the hospital in question had deemed consent in view of Section 25(7) of the Water (Prevention & Control of Pollution) Act, 1974. (Reproduced @ page 212 of the court file)</p>
8.	19.08.2018	<p>Application for renewal of authorization under Bio-Medical Waste management Rules. Application was complete in all respects and was accompanied by the requisite fees. (Annexure-R/7 @ Page 250-252 of the court file).</p> <p>There was no reply whatsoever by the Himachal Pradesh State Pollution Control Board on the application for renewal of authorization submitted by the Respondent herein. That as per Rule 10(3) of the Biomedical Waste (Management) Rules, 2016 Reproduced @ page 213 of the court file since there was no reply to the application for renewal of authorization, the Respondent herein was deemed to be operating with the authorization of the State Board. Thus, legally speaking the hospital in question had deemed authorization in view of Rule 10(3) of the Biomedical Waste (Management) Rules, 2016.</p>
9.	2018	<p>Annual Report of January, 2017 till December, 2017 sent by the Respondent No. 8 in 2018. (Annexure-R/8 @ Page 253-256 of the court file)</p>
10.	14.02.2018	<p>Agreement dated 14.02.2018 for collection of Bio-medical Waste with Suraksha Bio-Sanitizer. Valid from 01.03.2018 till 31.03.2019. (Annexure-R/9 @ Page 257-259 of the court file)</p>
11.	01.04.2019	<p>Provisional Registration as a clinical establishment under Section 14 of the Clinical Establishment Act, 2010. Valid for a period of 1 year i.e. upto 01.04.2020. (Annexure-R/10 @ Page 260 of the court file)</p>
12.	01.04.2019	<p>Agreement for collection of Bio-medical Waste with Suraksha Bio-Sanitizer.</p>

		Valid from 01.04.2019 till 31.03.2020. (Annexure-R/12 @ Page 263-264 of the court file)
13.	September 2019	The Respondent herein at the recommendation of the Mr. TB Singh who was at that time Principle Scientific Officer with the Respondent Board, installed a Sewage Treatment Plant of capacity 3 KLD in the premises. (Photograph as well as the bill for purchase/installation of the STP issued by Apex Enviro @ Annexure-R/11 @ Page 261-262 of the court file)
14.	01.04.2020	Agreement for collection of Bio-medical Waste with Suraksha Bio-Sanitizer. Valid from 01.04.2020 till 31.03.2021. (Annexure-R/12 @ Page 265-267 of the court file)
15.	01.04.2021	Agreement for collection of Bio-medical Waste with Suraksha Bio-Sanitizer. Valid from 01.04.2021 till 31.03.2022. (Annexure-R/12 @ Page 268-270 of the court file)
16.	14.12.2021	Mr. TB Singh (Ex Principle Scientific Officer with the Respondent Board) asked the Respondent herein to apply again for the Consents under the Water (Prevention and Control of Pollution) Act, 1974 online as there was no reply by Respondent Board on the previous Application submitted by the Respondent Board in 2018. That blindly following the advice of Mr. TB Singh, to avoid harassment the Respondent herein re-submitted an application online for grant of Consents under the Water (Prevention and Control of Pollution) Act, 1974. That along with the application made online, Mr. TB Singh also asked the Respondent herein to re-pay the fees from 2018 onwards. It is submitted that the Respondent herein paid an amount of Rs. 5000/- towards consent fees. (Fee Receipt @ Annexure-R/13 @ Page 271 of the court file)
17.	30.03.2022	Even after re-applying for the consents under the Water (Prevention and Control of Pollution) Act, 1974 online, there was no reply whatsoever from the Respondent Pollution Control Board. That on enquiring about the same from Mr. TB Singh (Ex Principle Scientific Officer with the Respondent Board), the latter demanded money in form of bribe from the Respondent herein for grant of Consents and also questioned the Respondent herein as to why the Sewage Treatment Plant was not installed from the suppliers recommended by Mr. TB Singh and was rather bought and installed from some other place. That having got fed up the Respondent herein made a police complaint against Mr. TB Singh for demanding bribe for

		<p>the release of Consent Certificates and an FIR being FIR No. 04/2022 under Section 7 of Prevention of Corruption Act, 1988 was also registered against the then Chief Scientific Officer Mr. TB Singh by the State Vigilance & Anti Corruption Bureau Himachal Pradesh. That the matter is still under trial, chargesheet having been filed by the State Vigilance & Anti-Corruption Bureau Himachal Pradesh in the Competent Court.</p> <p>(FIR @ Annexure-R/1 @ Page 236-238 of the court file)</p>
18.	01.04.2022	<p>Agreement for collection of Bio-medical Waste with Enviro Engineers.</p> <p>Valid from 01.04.2022 till 31.03.2023.</p> <p>(Annexure-R/14 @ Page 272-273 of the court file)</p>
19.	26.05.2022	<p>Consent to Establish under Water Act, 1974.</p> <p>Valid from 26.05.2022 till 25.05.2023.</p> <p>(Annexure-R/15 @ Page 274 of the court file)</p>
20.	16.08.2022	<p>Consent to Operate under Water (Prevention and Control of Pollution) Act, 1974 was eventually granted to the Respondent Hospital on 16.08.2022 and is valid till 31.03.2027.</p> <p>(Annexure-R/17 @ Page 276-279 of the court file)</p>
21.	05.09.2022	<p>Provisional Registration as a clinical establishment under Section 14 of the Clinical Establishment Act, 2010.</p> <p>Valid for a period of 1 year i.e. upto 05.09.2023.</p> <p>(Annexure-R/16 @ Page 275 of the court file)</p>
22.	12.12.2022	<p>Authorization under Bio Medical Waste Management Rules.</p> <p>Valid till 31.03.2027.</p> <p>(Annexure-R/18 @ Page 280-283 of the court file)</p>
23.	14.12.2022	<p>Analysis Results of the Water Samples by HPPCB. All parameters within the prescribed parameters.</p> <p>(Annexure-R/19 @ Page 284-287 of the court file)</p>
24.	19.01.2023	<p>A small portion was added in the premises and as an abundant precaution, though not required, the Respondent Hospital applied to the Department of Town and Country Planning, Una for change of building use (hospital site) and the composition of additional construction of garage situated on the right side of the hospital. That the Special Area Development Authority, Una granted completion permission vide letter dated 19.01.2023 and also the change in land use as admitted by the District Magistrate, Una in his reply dated 18.11.2024 at page no. 582 of the court file.</p> <p>(Annexure – R/20 @ Page 288 of the court file)</p>

It is relevant to mention that no change in land use is required as running of a Nursing Home (Hospital) is a permitted use in this residential area as per Clause/Regulation 7.2.1.1 of Sr. No. 7.2.1 and the same is being reproduced hereinbelow for the ready reference of this Hon'ble Tribunal:

“7.2.1.1 Uses Permitted- Residences, Hospitals, Boarding-Houses, Nurseries, Kindergartens and Schools, Clinics Social and Cultural Institutions, Public utilities and buildings, except service and storage yards; agricultur gardens, nurseries and green houses, any neighbourhood recreational uses; including clubs and other semi- public recreational uses; accessory uses clearly incidental to residential uses which will not create a nuisance and eco-hazard.”

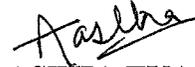
Further as per Clause/Regulation 7.1.(ii) of Sr. No. 7.1 (General Regulations) mixed land use is not prohibited unless otherwise a particular land use is hazardous. Relevant provision is reproduced herein below for the ready reference of this Hon'ble Tribunal:

“(ii) General land use in the development plan has been contemplated for specified use. However, mixed land use shall not be prohibited unless otherwise a particular land use is hazardous in nature to the pre dominated use and fulfils the regulations fixed for the same.”

To be submitted before the Hon'ble Bench comprising of Hon'ble Mr. Justice Arun Kumar Tyagi, Judicial Member and Hon'ble Dr. Afroz Ahmad, Expert Member as per directions of court during the Arguments/hearing of this matter (Item No. 1) on 18.07.2025.



A.R. TAKKAR, SHRIYA TAKKAR, MANAN TAKKAR, AASTHA TYAGI,
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