

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(O.A. No. 139 of 2023)**

**IN THE MATTER OF:**

M/s Prayag Hospital & research Centre Pvt. Ltd.

.....Applicant

VERSUS

Union of India and ors.

.....Respondents

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**NDOH 08.05.2024**

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THROUGH

  
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**PLACE: NEW DELHI**

**DATED: 23.04.2024**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 139 OF 2023**

**IN THE MATTER OF:**

M/s Prayag Hospital & Research Centre Pvt. Ltd. ...Applicant

Versus

Union of India & Ors. ...Respondents

**OBJECTIONS BY THE APPLICANT TO THE STATUS REPORT  
FILED BY THE RESPONDENT NO. 3 (U.P. POLLUTION  
CONTROL BOARD) IN COMPLIANCE OF THE ORDER DATED  
04.12.2023 PASSED BY THIS HON'BLE TRIBUNAL**

**MOST RESPECTFULLY SHOWETH:**

1. That this Original Application has been filed by the Applicant seeking issuance of appropriate directions against the actions of the Respondent No. 4 condemning their activities and penalizing their actions of violating the Noise Pollution Regulations 2000 issued by MOEF and the Comprehensive Guidelines framed by the Respondent No. 3 herein. Further, the Applicant is seeking issuance of appropriate directions to the rest of the Respondents to keep a check on such activities causing noise pollution and to issue

appropriate direction to the Respondents restraining any functions to be organized at the Respondent No. 4 at its premises.

2. That while recognizing that the issue raised through the present *lis* requires further consideration, this Hon'ble Tribunal vide order dated 13.03.2023 issued Notice to the Respondents and directed them to file their reply/response within two months and further this Hon'ble Tribunal also constituted a Joint Committee comprising of representatives of the CEO Noida, the Member Secretary, Uttar Pradesh Pollution Control Board, and the District Magistrate Gautam Budh Nagar to verify the factual position and to suggest appropriate remedial action.
3. That the report has been filed by the UPPCB on 23.05.2023 through email, as the same is also mentioned in order dated 04.12.2023.
4. That, at the outset, it is the submission of the Applicant that it reflects a rather disappointing state of affairs that intervention of this Hon'ble Tribunal had to be sought for the implementation of a Framework for Ministry of Environment and Forest and the Comprehensive Guidelines framed by the UP-State Pollution Control Board. Further, despite direction and orders by this Hon'ble Tribunal, the status report filed is extremely vague and bald and does

not instill any confidence in the Authority. It is submitted that the said report appears to be an exercise in victim blaming, turning most of the onus on to the Applicant itself despite noting clear violation of decibel limits by the Respondent No.4. There are other problematic observations and recommendations in the said report, objections to which are brought out hereinbelow. This Hon'ble Tribunal may kindly take note of the same and order accordingly.

5. At the outset, it is humbly submitted that UPPCB has in its report noted as fact that the Respondent No.4 Community Centre is located in 'Silence Zone', within 100 meters of a hospital (the Applicant hospital), and that the noise levels recorded during a particular event at the Community Centre were clearly in excess of the decibel limits prescribed as per the applicable Rules (in paragraphs 8 and 10 of the report). It is humbly submitted that these two facts, in light of the applicable Rules, are in and of themselves sufficient to direct the Respondent No.4 to promptly ensure compliance with the prescribed decibel limits and to impose appropriate penalty on the Respondent No.4.
6. UPPCB in its report, at pages 108 and 109, has admitted clearly that "Since an area of 100 meter around both school as well as hospital

as a designated 'Silence Zone', use of any high decibel equipment is bound to be in violation of Noise Pollution Regulation and Control Rules, 2000 since the ambient air quality standard with respect to noise for a silence zone is 50 dB(A) $L_{eq}$  during day time and 40dB(A) $L_{eq}$  during night time", and further that "from the data presented...it is evident tat the noise levels at the periphery of the hospital premises are beyond the notified standards during day as well as night." It is further humbly submitted that UPPCB's observation that "noise levels are beyond permissible limits even when there is no gathering at the community centre" ought not to derogate from the fact that gatherings and events held at the Respondent No.4 Community Centre significantly contribute to such violative noise levels and, therefore, must be strictly regulated.

7. That as stated in report that the occupancy of the hospital on 30.01.2024 was reported to be on around 40 beds and there were no patients in any of the rooms on the second floor. It is humbly submitted that such observations regarding present occupancy at the Applicant hospital are irrelevant and only serve to distract from the issue at hand. It is submitted that occupancy at the hospital is bound to vary from time to time in the natural course. In fact, patients had to be shifted from second floor due to the effect of noise pollution

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from the Respondent No.4 Community Centre, causing much inconvenience to the patients. This does not in any manner reduce the onus on the Respondent No.4 Community Centre to comply with applicable environmental Rules.

8. That it is submitted that the causes identified of Noise Pollution and suggestions by UPPCB in its report are false and misleading, and appear to be diluting the harmful effect of noise-creating activities held by the Respondent No.4 Community Centre. It is submitted that UPPCB is trying to mislead this Hon'ble Tribunal from the main issue by suggesting irrelevant measures.
9. That UPPCB has stated in its report that as there is no buffer area between the hospital premises and the road, noise due to vehicular movement and honking has adverse impact on the noise levels on the main gate and front region of the hospital. It is submitted in response to the suggestion by UPPCB that the Applicant hospital was allotted on 16.07.1998 and the hospital has been running since 2000 after issuance of completion certificate on 17.05.2000, whereas the Respondent No. 4 came in the year 2005, therefore, it was the duty of the Respondent No. 4 to create buffer area etc. so that noise pollution can be controlled and does not affect the nearby hospital.

Further, it is a deliberate act of Respondent No. 4 so as to harass and create inconvenience to the applicant. UPPCB has suggested installation of noise barriers within the hospital premises along the front boundary in the form of additional plantation of appropriate species in consultation with horticulture division of Noida Authority. UPPCB has opined that this measure would remedy the noise pollution caused due to vehicular movement (due to excessive honking). It is humbly submitted that not only is it an unjust placement of onus on the Applicant hospital for noise pollution due to general public not respecting environmental Rules and the competent authority miserably failing to enforce 'Silence Zone' noise levels occurring on a daily basis on the roads, it is also a meaningless and ineffective suggested remedy, as no amount of plantation would protect the hospital patients against excessive noise pollution coming from all sides, and no plantation would have sufficient height to cover the hospital rooms on the higher floors of the hospital.

10. UPPCB has recommended that Noida Authority and Traffic Police may carry out survey of the road stretch outside the hospital and design a U-turn further towards the Dadri road to maintain smooth

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flow of traffic in line with road engineering principles. It is humbly submitted that the Hon'ble Tribunal may kindly direct implementation of this recommendation in a time-bound manner as this would greatly improve not only additional noise pollution created due to vehicular movement and traffic jams from vehicles heading to the Respondent No.4 Community Centre, but it would also lead to the additional, life-saving, effect of clearing the path for ambulances moving in and out of the hospital in emergency situations, as presently, the vehicular traffic going towards the Community Centre also causes obstacles and blockages for ambulances trying to go out and come into the hospital in emergency cases. It is humbly submitted that, however, this remedy would not solve the issue of noise pollution due to the activities of the Respondent No.4 Community Centre. It is further humbly submitted that the concerned authority may kindly also be directed to close the small road/path/gully between the hospital and Community Centre's boundaries, which attendees of the Community Centre's events use for entry into the Community Centre, as this would ensure that only the main entrance to the Community Centre may be used, thus reducing additional noise pollution caused due to public entry and

exit, including baraat/processions, through the small adjoining path/gully.

11. That the applicant is a 120 bedded hospital and has five ambulances are not the issue here. It is vehemently denied that the ambulances create traffic problems. It is submitted that due to various functions by the Respondent No. 4, there is huge traffic problem near the applicant hospital which affects the movement of ambulances carrying critical patients. It is submitted that the suggestion of UPPCB to engage a valet parking agency is diversion of issue in the instant matter.
12. That the suggestion where DJs and noise enhancing equipment are to be used should be held within the closed halls/rooms of the Community Centre and not in the open area adjacent to the rear end of the hospital are not sufficient. It is submitted that the Community Centre is not following the said law/frameworks and causing serious inconvenience and discomfort to the patients of the hospital as well as residents of the said area. It is further submitted that it is pertinent to reiterate that the Respondent No. 4 is located within the ambit of a Silence Zone and the same is not disputed. It is further pertinent to

bring to the kind attention of the Hon'ble Tribunal that the Respondent No.4 Community Centre is continuing to brazenly flout the Silence Zone decibel limits under the Rules, despite various complaints and despite the present matter pending before the Hon'ble Tribunal. By way of example, photographs and video of the Respondent No.4's preparation of DJ/loudspeakers for the evening of 18.04.2024 **are being submitted along with these Objections in a CD.** It is humbly submitted that though the recommended measures of holding DJ events indoors and not leasing out the Community Centre to third parties for events are not, in and of themselves, sufficient, this Hon'ble Tribunal may kindly issue urgent directions to begin implementation of such recommendations for restriction of the Respondent No.4's noise pollution activities for the sake of the rights of the patients in the hospital.

13. UPPCB has, in an exercise in wrongfully turning the onus onto the Applicant Hospital, recommended that the Applicant should carry out engineering upgrades with regards to insulation of windows and other such areas to ensure that noise levels are within limits inside the rooms for comfort of the patients. It is humbly submitted that this recommendation is strongly objected to as the Applicant Hospital is bound to abide by fire safety and other safety

requirements which do not permit insulation of windows and doorways.

14. That the suggestion of UPPCB that the responsibility of adhering to the timings of permitting DJs and noise enhancing equipment shall be of President, Secretary and office bearers of the RWA, Sector-41 are denied by the applicant. It is submitted that the applicant on numerous occasions called on the constable and other officials so as to stop the functions and events, but due to some mutual understanding, the functions/ events stopped for a temporary period but thereafter the same is again started. Therefore, the aforesaid suggestions are vehemently objected by the applicant.
  
15. The Applicant has no objection to the recommendation of UPPCB that Sri Chaitanya Techno School, being adjacent to the open area of the Community Centre, should ensure that cultural events at the school should be held within the auditorium and no noise enhancing equipment/loudspeaker should be used in the open area outside the auditorium. However, it is humbly submitted that this would not resolve the noise pollution emanating from the events and activities of the Respondent No.4 Community.

16. It is submitted that UPPCB's preoccupation with obtaining the sanctioned map of the hospital premises in order to make suggestions as to renovations in the hospital for noise-management is, again, misguided as this is a matter of violation of decibel limits by Respondent No.4 and also by others, including those indulging in excessive honking on the road in front of the hospital, under the applicable Rules, for which appropriate injunctive measures and penalties by the competent authority are required. The Applicant submits its strong objection to UPPCB's approach at turning the onus, not to mention expense, onto the Applicant hospital, as though this were a case of mere resolution of inconvenience and not one of violation of the law of the land under the Noise Pollution (Regulation and Control) Rules, 2000 by the respondent No.4 and other persons, leading to violation of the right of the Applicant hospital and its patients, as well as other residents nearby, to enjoy a pollution-free environment insofar as noise is concerned. On this ground, the recommendation of UPPCB that the Applicant may "consult a pioneer agency for providing inputs for negating the impact of all sources of noise pollution" is also strongly opposed. It is submitted that these are vague recommendations appearing to

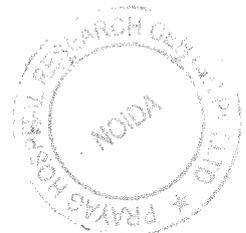
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completely ignore that clear violation of applicable Rules is occurring and the onus of the same is not on the Applicant Hospital.

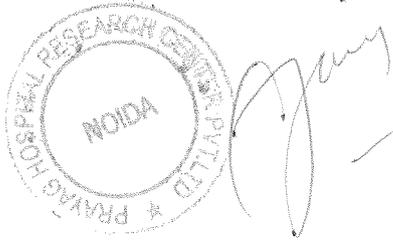
17. That the applicant has valid license from the concerned authority to run the hospital and it is operating in the said premises for twenty-three (23) years around and has always acted in complete bonafide manner. It is submitted the Respondent No. 4 has failed in compliance of the prescribed guidelines and causing nuisance in day-to-day basis.

18. That this Hon'ble Tribunal may be pleased to pass appropriate orders with the respect to issuance of appropriate directions against the actions of the Respondent No. 4 thereby condemning their activities and penalizing their actions of violating the Noise Pollution Regulations 2000 issued by MOEF and the Comprehensive Guidelines framed by the Respondent No. 3 herein. Further, issuance of appropriate directions to the rest of the Respondents to keep a check on such activities causing noise pollution and to issue appropriate direction to the Respondents restraining any functions to be organized at the Respondent No. 4 at its premises in the present matter.

For this act of kindness, we are duty bound and pray.



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Through

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Rishi K. Awasthi

**RISHI K. AWASTHI**  
Advocate for the Applicant  
A-21, UGF, Defence Colony,  
New Delhi-110024

Date: 23.04.2024

Place: New Delhi

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

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ORIGINAL APPLICATION NO. 139 OF 2023

IN THE MATTER OF:

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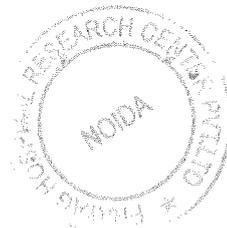
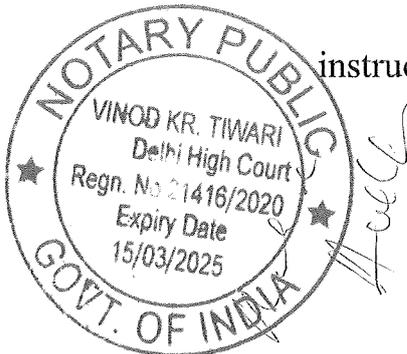
Versus

Union of India & Ors. ...Respondents

AFFIDAVIT

I, Mr. Ajay Soni, S/o Sh. Late Om Prakash, aged about 43 years, resident of C-197, Sector049, Noida, working as Admin Manager with the Applicant M/s Prayag Hospital & Research Centre Pvt. Ltd., presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the authorized representative of the Applicant in the present matter and hence fully conversant with the facts of the present case and competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying objections and the same has been drafted by my counsel on my instruction and nothing material has been concealed therefrom.



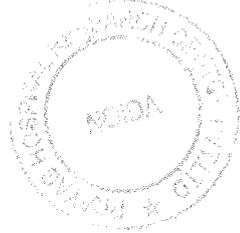
DEPONENT

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**VERIFICATION:**

Verified at New Delhi on \_\_\_ day of 23 APR 2024 that the contents of the paragraphs of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

*Recd Seal*  
I identified the Deponent who has signed/thumb impression before me



*[Signature]*  
**DEPONENT**



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DISPOSED BEFORE ME AT NEW DELHI

*[Signature]*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE  
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020  
NOTARY PUBLIC (NEW DELHI)

23 APR 2024

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**Service of Objections in Prayag hospital & research center Vs. The Union of India In Original Application No. 139 of 2023**

1 message

**Nabi Hasan** <nabihasan48@gmail.com>

Tue, Apr 23, 2024 at 5:37 PM

To: secy-moef@nic.in, csup@nic.in, chairman@uppcb.in, sspgbn-up@nic.in, ceo@noidaauthorityonline.com

Cc: rishi awasthi &lt;rishikawasthi@yahoo.co.in&gt;

Dear Sir,

Please find attached the copy of objections on behalf applicant to be filed before this Hon'ble NGT, Delhi

Kindly acknowledge the receipt of the advance service made.

Thanks &amp; Regards

Nabi Hasan  
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