

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 629 OF 2024**

**IN THE MATTER OF:**

RWA Sector 30 through President

of RWA Mr. Pramod Kumar Verma

.... Applicant

-Versus-

Uttar Pradesh Pollution Control Board & Ors.

...Respondent

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NDoH: 07.01.2025

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Date: 06.01.2025

Place: New Delhi

**DRAWN & FILED BY:**



Eisha Krishn & Surya Gupta  
Advocates for the Respondent No.4  
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Nizamuddin East, New Delhi- 110013  
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**SETTLED BY:**

Shri Sanjay Upadhyay  
[Senior Advocate]

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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**IN THE MATTER OF:**

RWA Sector 30 through President  
of RWA Mr. Pramod Kumar Verma ..... Applicant

-Versus-

Uttar Pradesh Pollution Control Board & Ors. ...Respondent

**OBJECTIONS ON BEHALF OF DELHI PUBLIC SCHOOL, NOIDA  
RESPONDENT NO. 4 TO THE REPLY FILED BY UTTAR PRADESH  
POLLUTION CONTROL BOARD, RESPONDENT NO. 1**

**MOST RESPECTFULLY SHOWETH: -**

1. That at the outset, the Letter Petition submitted before this Hon'ble Tribunal is an abuse of the process of law and is based on completely false allegations without any corroboration. The main allegation raised by the Applicant is that the green belt in question was only handed over in 1983 to the answering Respondent for ten years and the answering Respondent has failed to return the same. That a Writ Petition bearing No. 4261/2002 was filed levelling similar allegations before the Hon'ble High Court of Allahabad in the year 2002, which was disposed of by the Hon'ble High Court with a direction to the Noida Authority to decide the issue. In pursuance thereof, the Applicant also explained to the Authority that a boundary wall on three sides of the park has been raised only to protect it from stray animals and unwanted elements wandering in the area for the safety of the school children. Pertinently, the Authority in its Order dated 30.01.2004, noted that the park was handed over to the answering Respondents for maintenance purpose, and it was in furtherance to the said purpose, that the said boundary wall was erected by the answering Respondent for its protection and maintenance. The Authority verified the factual situation

and rejected the objections raised by the Applicant regarding encroachment. Thereafter as per the Letter Petition, the Applicant's first correspondence towards the same was in 2019 which was followed by a reminder on 16.04.2024. This statement itself is false as the issue was raised before the Hon'ble High Court and was concealed by the Applicant for reasons known to him. This clearly shows that the Applicant has not come before this Hon'ble Tribunal with clean hands and therefore this Applicant is not maintainable and liable to be dismissed on this ground alone.

2. That it is submitted that the answering Respondent has been developing and maintaining the said adjoining park since 1983 in accordance with the terms and conditions imposed by the Noida Authority-Respondent No. 2 since 1983, which the Applicant has been constantly trying to take control of the said park for other extraneous reasons rather than the upkeep and maintenance of the Park. Having failed in its endeavour before the High Court and taking advantage of the fact that redevelopment work is going on in the school, the Applicant has now approached this Hon'ble Tribunal making it an environmental issue hoping to have a different outcome. This is clearly abuse of process of law and therefore the Applicant doesn't deserve any indulgence.
3. That the answering Respondent has filed a Reply Affidavit dated 06.01.2025 to the Original Application and the same may be read as a part of this Reply. The contents of the same are not being reiterated for brevity.
4. It is respectfully submitted that pursuant to the overwhelming demand of parents to provide facility of airconditioned class rooms, the answering Respondent school undertook the redevelopment work of the school campus to make the school centrally air conditioned after obtaining requisite permissions from the concerned authorities.

5. That at this juncture, it is pertinent to note that the Respondent No. 1 has alleged that the answering Respondent has failed to obtain valid Consent to Establish from the Board for undertaking the construction work. In this regard, it is humbly submitted that the Hon'ble Delhi High Court, in its judgment of 23.01.2012 in DPCC Vs Splendor Landbase Ltd (LPA No. 895/2010), (2012 SCC Online Del 400) has clearly held that non-commercial establishments do not require consent to establish or operate. The answering Respondent, being a non-profit school functioning under the aegis of DPS Society, is covered within the scope of the said judgment, therefore, it was exempted from the requirement of obtaining CTE.
6. That it is also relevant note that the answering Respondent school, was exempted from obtaining Environment Clearance for the redevelopment work by virtue of the MoEF&CC Notification dated 22.12.2014, when we started the redevelopment work in February 2023 (annexed as **ANNEXURE R/1**). It may be noted that there said Notification dated 22.12.2014 was stayed by the Hon'ble High Court of Kerala vide judgment dated 06.03.2024 (2024 SCC Online Ker 1638) in the matter titled One Earth One Life vs Ministry of Environment, Forest and Climate Change. It is pertinent to note that the Hon'ble Supreme Court in the similar context with the SOP dated 07.07.2021 which was stayed by the High Court of Tamil Nadu in the Madras High Court Bar Association case, held in the Electro Steel Case (2021 SCC Online SC 1247) that the said stay would be applicable to the state of Tamil Nadu. Despite this categorical ruling by the Hon'ble Supreme Court, the MOEF&CC has communicated to the states vide Office Memorandum dated 30.04.2024 the order of the High Court of Kerala (annexed as **ANNEXURE R/2**). It is clear that even today, as per the Hon'ble Supreme Court, drawing parity, the said Judgment is only applicable in the state of Kerala. In fact, there are subsequent judgments such as Pahwa Plastics (2022

Live Law (SC) 318) and D. Swamy (2022 SCC Online SC 1278) which clarified the same legal position.

7. That in pursuance of Order dated 29.05.2024 passed by this Hon'ble Tribunal in the present matter, an inspection of the Respondent school was conducted by the UPPCB on 21.08.2024 whereby certain shortcomings were purportedly noticed by the Board. Consequently, a show cause notice dated 05.09.2024 was issued to the answering Respondent directing to show cause as to why environmental compensation of Rs. 1,20,000 (for non-registration on web portal of PCB and not uploading self-audit reports) as well as compensation of Rs. 15,000 per day (for ineffective dust mitigation measures) in terms of CAQM letter dated 06.02.2024 be not imposed upon the answering Respondent. That on 20.09.2024, the answering Respondent submitted its written response to the said show cause notice. It is submitted that the said proceedings are a subject matter of separate cause of action and due process as prescribed under the law. The same may not be adjudicated at this stage as there are remedies available to parties including clarification to the regulator as well as under statutory Appellate Authorities. It is further submitted that the answering Respondent has filed statutory Appeal before the Appellate Authority challenging Orders dated 18.11.2024, by virtue of which Environment Compensation was levied & 13.12.2024, by virtue of CTE Application was rejected by UPPCB and the same is pending adjudication.
8. It is most humbly submitted that the alleged non-compliance regarding the prior CTE was under the bonafide belief that the Splendor Judgment had made it clear that no CTE is required for non-commercial institution such as the school and also the fact that since school was exempted from taking Environment Clearance being an educational institution, it was believed that no other permission was required from UPPCB or MOEF&CC.

9. That as far as issue in the present proceedings pertaining to the Gandhi Park is concerned, the submissions made by UPPCB in para 12 of its Reply are factual and the submissions pertaining to the use and access to the park is in accordance with the directions given by the Noida Authority pursuant to the directions of the Hon'ble High Court. Further, the submission in para 13 of UPPCB's Reply that some area of the park is not developed, a part of which was used for storing loose earth is partially correct. It is respectfully submitted that most of the park is developed and one corner of it having dense low-lying trees is not having a track as children/public are not encouraged to visit that area for safety concern and a security guard is posted there throughout. A small portion of this area was used to keep loose earth for a brief period for its reuse in its ongoing redevelopment work, and it was immediately cleared. The photograph of the park which is self-evident is annexed herewith and marked as **ANNEXURE R/3**.

10. That in view of the facts and circumstances, it is respectfully submitted that the present Application deserve to be dismissed being devoid of any merit.

Date: 06.01.2025  
Place: New Delhi

**DRAWN & FILED BY:**



Eisha Krishn & Surya Gupta  
Advocates for the Respondent No.4  
29, LGF, Presidential Estate,  
Nizamuddin East, New Delhi- 110013  
Email: eldflegal@gmail.com +91- 8851323704

**SETTLED BY:**  
Shri Sanjay Upadhyay  
[Senior Advocate]

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
 PRINCIPAL BENCH, NEW DELHI  
 ORIGINAL APPLICATION NO. 629 of 2024

**IN THE MATTER OF:**

RWA Sector 30 Through President of RWA

Mr. Parmod Kumar Verma

...Applicant

Versus

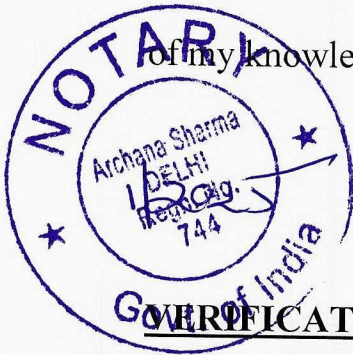
Uttar Pradesh Pollution Control Board & Ors.

...Respondent (s)

**AFFIDAVIT**

I, Paul Thomas, son of (Late) Mr. C.P. Thomas, aged 72 years working as OSD in Delhi Pabic School, Sector - 30, Noida, UP, presently at New Delhi, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Reply are true and correct to the best of my knowledge.



Certified that the foregoing statement was declared on solemn affirmation before me which has been read over to the deponent who has admitted

It as Correct

Notary DELHI

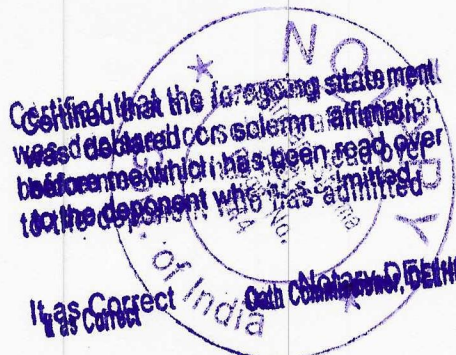
DEPONENT

4 JAN 2025

**VERIFICATION:**

Verified at New Delhi on this 02<sup>nd</sup> day of January, 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

Identify the deponent who has Signed/put T.I. In my presence



DEPONENT

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, सोमवार, दिसम्बर 22, 2014 / पौष 1, 1936

No. 2615]

NEW DELHI, MONDAY, DECEMBER 22, 2014/PAUSA 1, 1936

पर्यावरण वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 22 दिसम्बर, 2014

का.आ. 3252(अ).—एक प्ररूप अधिसूचना, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) की अपेक्षानुसार अधिसूचना, सं. का.आ. 1533 (अ) तारीख 14 सितम्बर, 2006 (जिसे इसमें इसके पश्चात् मूल अधिसूचना कहा गया है) का और संशोधन करने के लिए, सं. का.आ. 2319 (अ) तारीख 11 सितम्बर, 2014 (जिसे इसमें इसके उक्त अधिसूचना कहा गया है) द्वारा, भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में प्रकाशित की गई थी, उन सभी व्यक्तियों से जिनके उससे प्रभावित होने की संभावना है उक्त अधिसूचना के राजपत्र की प्रतियां जनता को उपलब्ध होने की तारीख से साठ दिन की अवधि के भीतर आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां जनता को 11 सितम्बर, 2014 को उपलब्ध करा दी गई थीं;

और साठ दिन की विनिर्दिष्ट अवधि के भीतर उक्त अधिसूचना के संबंध में कोई आक्षेप या सुझाव प्राप्त नहीं हुए हैं;

अतः अब केंद्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित उक्त पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित और संशोधन करती है, अर्थात् :—

मूल अधिसूचना में अनुसूची में स्तंभ (1) के अधीन भवन/संनिर्माण परियोजनाएं/नगरीय और क्षेत्र विकास परियोजनाओं से संबंधित मद्र 8 और उपमद 8(क) तथा उपमद 8(ख) तद्विनिर्दिष्ट उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद, उपमदें और प्रविष्टियां रखी जाएंगी, अर्थात् :—

5053 GI/2014

(1)

(1)	(2)	(3)	(4)	(5)
"8				भवन या संनिर्माण परियोजनाएं या नगरीय और क्षेत्र विकास परियोजनाएं
8(क)	भवन और संनिर्माण परियोजनाएं		>20000 वर्ग मीटर और < 1,50,000 वर्ग मीटर निर्मित क्षेत्र	<p>इस अधिसूचना के प्रयोजन के लिए "निर्मित क्षेत्र" को, सभी तलों पर इकट्ठे निर्मित या आच्छादित क्षेत्र के रूप में परिभाषित किया गया है जिसके अंतर्गत बेसमेंट और अन्य सेवा क्षेत्र भी हैं जिनका भवन/संनिर्माण परियोजनाओं के लिए प्रस्ताव किया गया है।</p> <p><b>टिप्पण 1 :</b> परियोजना या कार्यकलापों में औद्योगिक शेड, विद्यालय, महाविद्यालय, शैक्षिक संस्थाओं के लिए छात्रावास शामिल नहीं होंगे किंतु ऐसे भवन भरणीय पर्यावरणीय प्रबंधन ठोस और द्रव अपशिष्ट प्रबंधन, वर्षा जल संरक्षण का सुनिश्चय करेंगे और वे पुनः चक्रित सामग्रियों जैसे भस्म ईटों का उपयोग कर सकेंगे।</p> <p><b>टिप्पण 2 :</b> "साधारण शर्तें" लागू नहीं होंगी।</p>
8(ख)	नगरीय और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	<p>इस मद के अधीन आने वाली नगरीय और क्षेत्र विकास परियोजनाओं से पर्यावरण निर्धारण रिपोर्ट की अपेक्षा होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा।</p> <p><b>टिप्पण :</b> "साधारण शर्तें" लागू नहीं होंगी।</p>

[फा. सं. 19-2-2013-आई.ए. III]

मनोज कुमार सिंह, संयुक्त सचिव

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और निम्नानुसार पश्चावर्ती संशोधन किए गए:—

1. का.आ. 1737(अ), तारीख 11 अक्तूबर, 2007;
2. का.आ. 3067(अ), तारीख 1 दिसंबर, 2009;
3. का.आ. 695(अ), तारीख 4 अप्रैल, 2011
4. का.आ. 2896(अ), तारीख 13 दिसंबर, 2012;
5. का.आ. 674(अ), तारीख 13 मार्च, 2013;
6. का.आ. 2559(अ), तारीख 22 अगस्त, 2013;
7. का.आ. 2731(अ), तारीख 9 सितंबर, 2013;
8. का.आ. 562(अ), तारीख 26 फरवरी, 2014; और
9. का.आ. 1599(अ), तारीख 25 जून, 2014

## MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

### NOTIFICATION

New Delhi, the 22nd December, 2014

**S.O. 3252(E).**—Whereas, a draft notification further to amend the notification number S.O 1555(E), dated the 14th September, 2006 (hereinafter referred to as the principal notification), was published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 in the Gazette of India ,Extraordinary, Part II, Section 3, Sub-section (ii) *vide* number S.O. 2319, (E) dated the 11th September, 2014 (hereinafter referred to as the said notification), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 11th September, 2014;

And whereas, no objections or suggestions have been received in response to the said notification within the specified period of sixty days;

Now, therefore, in exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the said Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the said notification, namely:—

in the principal notification, in the Schedule, under Column (1), for item 8 relating to Building/Construction Projects/Area Development Projects and Townships and sub-items 8 (a) and 8 (b) and the entries relating thereto, specified there under, the following item, sub-items and entries shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
“8				<b>Building or Construction projects or Area Development projects and Townships</b>
8 (a)	Building and Construction projects		>20000 sq.mtrs and < 1,50,000 sq. mtrs. of built up area	<p>The term “built up area” for the purpose of this notification the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p><b>Note 1.-</b> The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p><b>Note 2.-</b> “General Conditions” shall not apply.</p>
8	Townships and Area Development Projects		Covering an area of > 50 ha and or built up area > 1,50,000 sq. mtrs	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project.</p> <p><b>Note.-</b> “General Conditions” shall not apply.</p>

[F. No. 19-2/2013-IA-III]

MANOJ KUMAR SINGH, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) *vide* Notification Number S.O. 1533(E), dated the 14th September, 2006 and was subsequently amended as follows:—

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012;
5. S.O.674(E), dated the 13th March, 2013;
6. S.O. 2559 (E), dated the 22nd August, 2013 ;
7. S. O. 2731 (E), dated the 9th September, 2013;
8. S. O. 562(E), dated the 26th February 2014; and
9. S. O. 1599(E), dated the 25th June, 2014.

F. No. 3-85-2016-IA-III [E 81594]  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

\*\*\*\*\*

Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated: 30<sup>th</sup> April, 2024

**OFFICE MEMORANDUM**

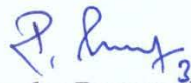
**Sub: Circulation of the order dated 06.03.2024 of Hon'ble High Court of Kerala in WP (C) No. 3097 of 2016 in the matter titled One Earth One Life vs. The Ministry of Environment, Forest and Climate Change & Anr. - reg.**

The Ministry, vide Notification dated 22.12.2014, had made certain amendments in item 8 of the Schedule to the Environment Impact Assessment Notification, 2006, *inter-alia* for providing exemptions to industrial shed, school, college and hostel for educational institution, subject to such building ensuring sustainable environmental management, solid and liquid waste management, rainwater harvesting and use of recycled materials such as fly ash bricks.

2. The Hon'ble High Court of Kerala, vide order dated 06.03.2024, in WP (C) No. 3097 of 2016 in the matter titled One Earth One Life vs. The Ministry of Environment, Forest and Climate Change & Anr., has quashed and set aside the aforesaid Notification dated 22.12.2014.

3. The copy of the order which is self-explanatory is enclosed herewith for compliance.

4. This is issued with the approval of the Competent Authority.

  
(Sundar Ramanathan)  
Scientist E

Encl: As above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/ Member Secretaries of all SEIAAs/SEACs
3. All Officers of IA Division

Copy for information to:

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/JS (SKB)
5. Website, MoEF&CC /Guard file

**-TRUE COPY-**





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**Service in RWA Sector 30 through President of RWA Mr. Pramod Kumar Verma Vs. Uttar Pradesh Pollution Control Board & Ors. [OA. No. 629 of 2024]**

1 message

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**ELDF** <eldflegal@gmail.com>

Mon, Jan 6, 2025 at 6:28 PM

To: parmod@vantagesecurity.com, "rwasector30n@gmail.com" &lt;rwasector30n@gmail.com&gt;, bhanwar jadon &lt;bhanwar09jadon@gmail.com&gt;, pradeepmisra@yahoo.com, daleepdhayani@yahoo.co.in

Cc: Eisha Krishn &lt;eisha@eldfindia.com&gt;, Surya Gupta &lt;surya@eldfindia.com&gt;

Dear Sir,

Please find the attached copy of the **Objections** on behalf of the Respondent No. 04, DPS Noida sector 30.*Thanks & Regards*

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**Sameer Manher**

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181

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 **Objections R-4.pdf**

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