

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 304 OF 2023

IN THE MATTER OF:

DEEPAK TRIPATHI

...APPLICANT

Versus

STATE OF HARYANA & ORS.

...RESPONDENTS

**OBJECTIONS ON BEHALF OF THE APPLICANT
TO THE STATUS REPORT FILED BY
RESPONDENT (HSPCB) DATED 08.08.2023 &
18.08.2023**

(FOR INDEX: - Kindly See Inside)

**New Delhi
Dated: 21.08.2023**

FILED BY

S.A. Zaidi

Mansi

**S.A. ZAIDI & MANSI CHAHAL
ADVOCATES**

**CHAMBER NO -7, TRISHUL TOWER
KAUSHAMBI, GHAZIAGBAD, U.P**

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INDEX

S. No.	Particulars	Pages
1.	Objections on behalf of the Applicant to the Status Report filed by Respondent (HSPCB) with Affidavit.	1- 11

New Delhi

Dated: 21.08.2023

FILED BY

Shamir

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TO THE STATUS REPORT FILED BY
RESPONDENT AUTHORITY**

MOST RESPECTFULLY SHOWETH:

1. That the above captioned matter is pending for adjudication before this Hon'ble National Green Tribunal.
2. That the Honourable Tribunal in the present O.A. was pleased to constitute a Joint Committee, comprising representatives of Haryana State Pollution Control Board (HSPCB), Commissioner, Municipal

Corporation Faridabad and Deputy Commissioner, Faridabad to inspect the site and submit the report within two months.

3. That accordingly, the HSPCB submitted a Status Report in identical O.A. No. 379 of 2023 (Deepak Tripathi vs State of Haryana) after the visiting the Respondent's unit.

4. That the applicant humbly submitted that the Report filed by HSPCB is lacking the material particulars. The applicant raises certain objections to Status Report filed by the HSPCB dated 08.08.2023 & 18.08.2023, which are given as below:-

a. That the Joint Inspection committee has not particularly stated in this report that how many machines are being installed in each industry, what type of fabrication work is

being done in those industries and what is the power/capacity of each machine that they generate noise above the prescribed parameters.

b. That it is submitted in the report by the Joint committee that the noise levels are slightly higher for the residential areas. It is humbly submitted that even a small amount of violation is considered a violation, no matter it is high or low. And thus, the respondent units must comply with the prescribed parameters and shall install noise absorbers and limiters in their industries so that it may not cause noise amounting to pollution for the people residing in that residential area.

c. That the Honourable NGT in its judgment dated 06.04.2023 passed in O.A No. 487/2022 titled as Mr. Jagjeevan Singh

versus PPCB & Ors dealt with the issue of noise pollution and held that:-

"The right to live in an atmosphere free from noise pollution has been upheld as the one guaranteed by Article 21 of the Constitution. It is well settled by repeated pronouncements of Hon'ble Supreme Court as well as High Courts that right to life enshrined in Article 21 is not of mere survival or existence and Article 21 guarantees a right to live with human dignity which includes all the aspects of life which go to make a person's life meaningful, complete and worth living. The human life has its charm and there is no reason why the life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and

quiet within his house has a right to prevent the noise as pollutant reaching him. No one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others."

d. That the Honourable Supreme Court also in M.C. Mehta vs. Union of India, 2004 6 SCC 588, (issue of permitting commercial/ industrial activities in residential/ non-conforming areas) held that ***issue of permitting such activities has to be viewed in the light of available infrastructure and impact on children and future generations and not merely from the point of those carrying out such activities or the workers***

employed. Statutory authorities have to consider such issues while granting permissions or licenses, sine citizens are entitled to environment congenial to human existence, any activity hazardous or inconducive to clean environment has to be held to be violative of article 21 which guarantees right of life.

- e. That the operation of the industrial units in the residential /non- conforming area which are contributing to pollution in any manner whatsoever, is a grave violation of several orders of the Honourable Supreme Court & NGT wherein the operation of the commercial activities/ industrial units amounting to pollution in the residential

areas/ non- conforming areas is strictly
impressible.

PRAYER

In light of the aforesaid objections, it is humbly
prayed that this Hon'ble Tribunal may
graciously be pleased to:-

- a. Reject report dated 08.08.2023 &
18.08.2023 and direct the Joint Committee
to re-inspect the respondents units.

- b. Impose Environmental Compensation on
the Respondent units for violating the
prescribed parameters amounting to
violation of the environmental norms.

Dated: 21.08.2023
New Delhi

Through


S.A. ZAIDI & MANSI CHAHAL
Advocates
Chamber No-7, Trishul Tower,
Kaushambi, Ghaziabad, U.P.

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VERSUS

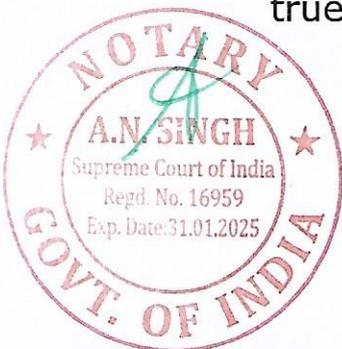
STATE OF HARYANA & ORS.

.....RESPONDENTS

AFFIDAVIT

I Deepak Tripathi R/o B-258, Kapda Colony, Air Force Road, NIT Faridabad, Haryana, do here by solemnly affirm and declare as under: -

1. That I am the Applicant in the above noted case therefore I am fully conversant with the fact of the case I am competent to sign and swear this Affidavit.
2. That the accompanying Objections has been drafted by my counsel and the same has been read over and explain to me and I say and declare that the same are true and correct.



3. That the Contents of accompanying Objections be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

[Handwritten Signature]

DEPONENT

I identify the deponent who has Signed/Put T.I. in my presence

VERIFICATION

18 AUG 2023

Verified at Delhi on this day of, 2023

that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.

[Handwritten Signature]

DEPONENT



ATTESTED
[Handwritten Signature]
A.N. Singh, Adv.
Notary Public
Govt. of India, New Delhi

18 AUG 2023