

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.557 / 2022

In the matter of :-

Gaur Atulyam Apartment
Owners Association

... Applicant

Versus

Greater Noida Industrial Development
Authority & Another.

... Respondents

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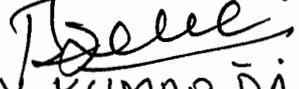
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New Delhi
Dated: 22-11-2022

Drafted and Filed By:


(BINAY KUMAR DAS)
Advocate for the Respondent
No.1, Greater Noida
Authority.

Chamber No. 210, C. K. Daphtary Block
Supreme Court of India
New Delhi

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REPLY ON BEHALF OF RESPONDENT NO.1

Most Respectfully Showeth:

1. The Applicant is not the owner of the land, wherein permission to install a Mobile Tower has been granted by the Respondent No.1 above named. The land is owned by the answering respondent. Just as the answering respondent allotted the land on which the complex of Gaur Atulyam has been constructed, the answering respondent is equally empowered in law to grant permission to Respondent No. 2 to install the mobile tower in question.

2. The Applicant Association, as per the averments made in the said Application is a Society registered under the Societies Registration Act, which has been formed to look after the maintenance of the flats, which have been constructed on the plot allotted by the Respondent No.1. Greater Noida is a planned city, where the land use has to be under and in accordance with the Master Plan. The Master Plan admits several land uses, which include residential (both plotted and flatted), commercial, institutional, industrial, green etc. The Master Plan is a document, which has been framed pursuant to statutory provisions.

3. It is the case set up by the Applicant that permission to install Mobile Tower has been granted by the Respondent No.1 to Respondent No.2 on an area of 25 sq. mtrs. in the Green area located opposite to the Complex of the Applicant. The Mobile Tower is classified as a "Public Utilities and Facilities /Services". Under the Master Plan, such use is permissible, inter-alia, in the green areas. Relevant pages of the Master Plan of Greater Noida is annexed hereto and marked as ANNEXURE R 1/1 to this reply. The land is owned by the Respondent No.1 and installation of Mobile Tower

being permissible under the Master Plan, the Respondent has not done anything contrary to any statutory provision. In fact, nowhere in the application, the Applicant has been contended that granting permission to install Mobile Tower in the Green area opposite the Complex of the Applicant is in breach of any statutory provision. In fact, the Applicant categorically admits that the Respondent No.1 has been established for "developing an efficient and integrated modern city with high service and delivery standard". Installation of Mobile Towers is not for any personal gain but for public utility / service as in the absence of Mobile Towers, there would be a break in transmission of signal, which is essential for the Mobile network, telephony and internet, which is used by the public at large, including the residents of Complexes like Gaur Atulyam Apartments.

4. The Respondent No.1 is constituted for the integrated planned development of the city of Greater Noida. Telecommunication is essential in today's world. A network of Mobile Towers is required in every city without which the Mobile Phone and internet would not work. The Mobile Tower under reference has been permitted to be

installed in a smallest possible area of 25 sq. mtr. within a Green Area.

5. The application under reply is conspicuously vague as the only basis set out in the application for approaching this Hon'ble Tribunal is that granting permission to install the Mobile Tower "overlook Regulation / Court Orders / Environmental concern and favour entities for financial gain". No details in this regard have been set out anywhere, either in the application or in any Annexure thereto, by the Applicant. Without any basis, material, scientific data, research study, as a ground, it is alleged that "Mobile Tower emits Electro Magnetic Radiation, which will make the air toxic and harm people living near in the vicinity of Towers and has work as a slow poison upon the human body". It is alleged that it is harmful to the resident members of the Applicant. Such vague allegation is wrong and denied.

6. On the issue of installation of Mobile Towers in residential colony, Writ Petition (C) No.316 / 2016 is pending before the Hon'ble Supreme Court, wherein Notice was issued but no stay has granted by the Hon'ble Supreme Court in regard to installation of

Mobile Towers in residential colonies. In contrast, the case of the present Applicant is that permission to install Mobile Tower has been granted outside their complex i.e. in the Green area outside and beyond the Complex of their apartments.

7. It may be appreciated that telecommunication has been recognized the world over as an important tool for socio economic development of the nation. It is a core infrastructure, essential for the growth and modernization of the economy. The penetration of Mobile Internet is low in our country compared to developed nations. Mobile-telephony and Internet requires an integrated network of Mobile Towers, without which Mobile communication would come to a naught. Mobile communications play an important role in socio economic growth of the country and Mobile communications cannot survive without a network of Mobile Towers. Thus, cable network and installation of towers manifested itself in the Telecom Policy, 2012.

8. Under Section 4 of the Indian Telegraph Act, 1885, the Central Government has the power to grant License to Cellular Mobile Telephone Services, who would in turn establish, maintain,

inter-alia, Mobile Telephone services in the licensed area. Of course, the telecommunications installation should not be a safety hazard or in contravention of any statute, rule, regulations of Public Policy. The Telecom providers have to establish base transmitting stations at a suitable locations as per the radio frequency allotted to them by the Government of India.

9. As regards the apprehension about health hazard from the radiation from Mobile towers / Network, it is pertinent to note that several studies have been conducted in different countries under the aegis of World Health Organization (WHO) but there is no conclusive scientific evidence of adverse health effects due to low level radiation frequency emission from the Mobile phone towers. The WHO has referred to approximately 25,000 studies published all over the world in the past 30 years and based on an in-depth work literature, it has concluded "current evidence does not confirm the existence of any health consequences from the exposure of low level Electro Magnetic fields". No doubt, further studies are going but in the Fact Sheet No.304 on Electro Magnetic Fields and Public Health, the following has been concluded:

"Considering the very low exposure level and research results collected to-date, there is no convincing scientific evidence that the weak radio frequency signal from base stations and wireless network caused an adverse health effects. From all evidences accumulated so far, no long or short term health effects have been shown to occur from Radio Frequency signals produced by the Base stations".

Copy of the Fact Sheet No. 304 is annexed hereto and marked as **ANNEXURE R-1/2.**

10. With a view to address the public concern over health effects of EMF (Electro Magnetic Field), the WHO established the International EMF Project in 1996 to assess the scientific evidence of possible health effects in the frequency range from 0 to 200 GHz and ultimately, as per the WHO Web site, the following was mentioned:

"WHO International EMF project was launched to provide essentially scientifically sound and objective answers to public concerned about possible hazard to low level Electro Magnetic Field.

Despite extensive research to-date, there is no evidence to conclude that exposure to low level EMF is harmful to human health."

11. The international exposure guidelines developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) has prescribed the following levels of EMF emission from Base Transceiver Stations (BTSs) as safe for general public:

Frequency Range	Power Density
400 MHz to 2000 MHz	$f / 200$

(f is the frequency of operation in MHz)

12. The ICNIRP guidelines have been adopted by the Govt. of India. In addition, the Government of India, Ministry of Communication and IT, Department of Telecommunications has amended the License Agreements with the Cellular Mobile Telephone Service Providers vide OM dt. 4.11.2008 (ANNEXURE R-1/3) providing for basic restrictions levels of EMR from Mobile Towers. Every Service Provider has to follow the said guidelines and in the event of failure to meet the criterion, penalty of Rs.10 lakhs per BTS (Base Transmitting Station) has been provided.

13. Subsequently, the Inter-ministerial Committee comprises of Officers of DoT, Indian Council of Medical Research, Department of Bio Technology and Min. of Environment and Forest examined the effect of EMF radiation from Base Stations and Mobile Phones and ultimately concluded that the effect of emission from Cellular phone Towers on human health is not known yet with certainty. Ultimately, the Government of India, by its letter dt. 26.6.2013 (ANNEXURE R-1/4) has further reduced the emission levels as under:

Frequency Range	E - Field strength	H - Field strength	Power Density
400 MHz to	$0.434f^{1/2}$	$0.0011f$	$f / 200$
2 GHz to	19.29	0.05	1

(f = frequency in MHz)

14. The Government of India released the revised guidelines to the State Governments to the issue of clearances for installation of Mobile Towers, effect from 1.8.2013, copy whereof is annexed hereto and marked as ANNEXURE R-1/5 to this reply.

15. In compliance to the order dt. 10.1.2012 passed by the Hon'ble Allahabad High Court in Writ Petition No.111275 (M/B) of 2010, a Committee of Experts from IIT, ICMR, AIIMS, Indian Institute of Toxicology / Research, Science and Research Board, Telecom Engineering Centre and senior officers from Department of Telecommunications was constituted, which submitted its report, which has been implemented in the form of OM dt. 27.2.2014 providing for the latest guidelines regarding emission standard / EMF radiation limits. Copy of the said OM dt. 27.2.2014 is annexed hereto and marked as **ANNEXURE R-1 /6** to this reply. The Government of India has noted in the OM that there has been a lot of undue apprehensions in regard to possible health effects of EMF radiation, largely caused due to mis-information being peddled by certain sections in the public.

16. In regard to Mobile Phone Towers, besides the Writ Petition filed before the Allahabad High Court, the matter has engaged the attention of several High Courts i.e. Kerala, Allahabad, Gujarat, Madras, Delhi, Himachal Pradesh, where the writ petitions have been dismissed. The details in this regard would be submitted during the course of hearing.

17. It is the submission of the answering Respondent the EMF radiations from a Mobile Tower, which are below the safe limits prescribed by ICNIRP and recommended by WHO, have no convincing scientific evidence of causing adverse health effects. These norms are applicable to EMF radiations emitted from Mobile Towers of all technologies including 4G. Department of Telecommunications have prescribed stricter precautionary norms for exposure limit for the Radio Frequency Field (Base Station Emissions), which is ten times more stringent than the existing limits prescribed by ICNIRP and recommended by WHO. Making the norms ten times stricter than what has been prescribed by ICNIRP and recommended by WHO, obviates the need for having separate norms for special localities like schools, hospitals and residential areas. Further, Government of India has taken adequate steps to ensure that Telecommunications Service Providers strictly adhere to these prescribed norms.

18. It is submitted that in view of the contents of the above paragraphs it is submitted that no parawise reply to the averments made in the Original Application is required at this stage as all the

issues raised therein stand duly reply. The Answering respondent, however, reserves liberty to file further reply in case any occasion arises for the same.

In view of the submissions made above, it is submitted that the application filed before this Hon'ble Tribunal is bereft of any merit and not supported by any scientific data and appears to be based on mis-information and or mis-apprehension. Respondent No.2 is bound to follow the guidelines prescribed by the Government and in the event it is established by the Petitioner that the emission standards are not being followed by Respondent no. 2 then the law will take its own course. The answering Respondent No.1 has the right and authority to permit installation of Mobile Towers to those entities in whose favour License has been granted by the Government and that installation of Mobile Towers in Green areas is duly permissible under any law and that installation of Mobile Towers in Green area is the best location, which will sub-serve the interest of Mobile Internet and Telephony, hence overall development and growth within in any manner compromising on public health since the standards set out by the Govt., the ultimate authority in matters of Telecommunications etc. are being followed.

13

It is further submitted that the application is devoid of merit and is liable to be dismissed. The answering Respondent prays accordingly.

RESPONDENT No. 1
through

Dt 22.11.2022

Advocate
(Binay Kumar Das)

14

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Versus

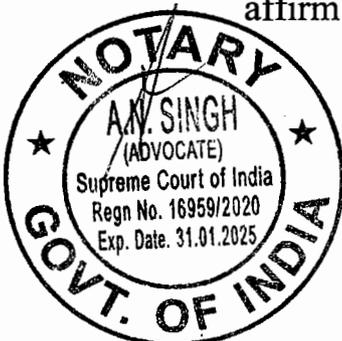
Greater Noida Industrial Development
Authority & Another.

... Respondents

AFFIDAVIT

I, Jeetendra Bahadur Ram, S/oLate Ram Nath Ram , aged 55 years, r/o Staff Quarter No.49, ETA-I, Greater Noida, presently at New Delhi, do hereby solemnly affirm and state as under:

1. I am presently posted as Manager (Commercial) with the Respondent No.1 and as such fully authorized and competent to affirm this affidavit on behalf of the aforesaid respondent.



2. I have read a copy of the Original Application as received in the Office of the answering respondent and understood the contents thereof.

3. I state that the accompanying reply has been drafted under my instructions and that the factual contents thereof are true and correct to my knowledge as derived from the records of the case.

4. The Annexures are true copy of its respective original.

J.B Ram

DEPONENT

I Identify the deponent who has Signed/Put T.I. in my presence
R.K. DAS Dew

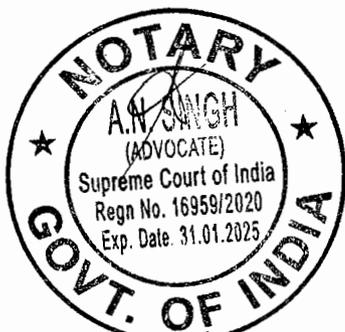
Verification

Verified that the factual contents of this affidavit are true and correct to my knowledge as derived from the records and that nothing stated herein is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the ^{21 NOV 2022} 21st day of November, 2022.

J.B Ram

DEPONENT



ATTESTED
[Signature]
A.N. Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9718139591, 7982539116

21 NOV 2022

10.2 Use Premises

Use premises means one of the many sub-divisions of a use zone, designated at the time of preparation of layout plan, for a specific main use or activity.

There shall be use premises as designated in para 10.3.

Use activities permitted in use premises are given in para 10.4

10.3 USE PREMISES PERMITTED IN USE ZONES**USES/USE ACTIVITIES PERMITTED IN USE PREMISES**

Sl.No.	Use Premises	USE ZONES										
		R	C	M	I	Green areas		T1	T2	IG	Agri.	U
						P1	P2					
1a.	Abadi Expansion Plots	P	NP	P	P	NP	NP	P	P	P	P	P
1.	Amusement and Entertainment Park	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
2.	Bank	P	P	P	P	NP	NP	P	P	NP	NP	P
3.	Barat Ghar	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
4.	Burial and Cremation ground, cemeties	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
5.	Bus depot and workshops.	NP	NP	P	NP	NP	NP	P	P	NP	NP	NP
6.	Bus terminal, LRT terminals/Metro Station and terminal	NP	P	P	P	NP	NP	P	P	NP	NP	P
7.	Cargo and booking office	NP	P	P	NP	NP	NP	P	P	NP	NP	P
8.	Cinema/Multiplex	NP	P	P	NP	NP	NP	P	P	NP	NP	P
9.	Clinical Laboratory	P	P	P	P	NP	NP	NP	NP	P	NP	P
10.	Community Centre/Auditorium/Banquet Hall	P	P	P	P	P	NP	P	P	P	NP	P
11.	Convenient/Sector Shopping	P	NP	P	P	NP	NP	P	P	P	NP	P
12.	Courts	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
13.	Crèche and Day Care Centre	P	P	P	P	NP	NP	P	P	NP	NP	P
14.	Dairy Farming/Poultry farms	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
15.	Dharamshala	P	P	NP	NP	NP	NP	P	P	NP	NP	NP
16.	Dispensary	P	P	P	P	NP	NP	P	P	NP	NP	P
17.	Drive in cinemas	NP	P	NP	NP	P	NP	NP	NP	NP	NP	NP
18.	Educational Institutions including Training Centre	NP	NP	NP	P	NP	NP	NP	NP	P	NP	P
19.	Fair Ground	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP
20.	Farm House	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
21.	Gas Godowns	NP	NP	P	NP	P	NP	NP	NP	NP	P	NP
22.	Golf Course	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
23.	Higher Secondary School	P	NP	NP	P	NP	NP	NP	NP	NP	NP	P
24.	Hospital	P	NP	NP	P	NP	NP	NP	NP	NP	NP	P
25.	Hostel, Guest House, Boarding House, Lodging house	P	P	P	P	NP	NP	P	P	NP	NP	P
26.	Hotel	NP	P	NP	P	NP	NP	P	P	NP	NP	P
27.	Hawkers area	P	P	P	P	P	NP	P	P	P	NP	P
28.	Industrial plot/flatted factory plot	NP	NP	P	NP	NP	NP	NP	NP	NP	NP	P
29.	IT Park/ unit enabled services	NP	NP	P	P	NP	NP	NP	NP	P	NP	P
30.	Milk Chilling Centers	NP	NP	P	NP	NP	NP	NP	NP	NP	P	NP
31.	Motel	NP	NP	NP	NP	NP	NP	P	P	NP	P	NP
32.	Motor garage and workshop	NP	P	P	NP	NP	NP	P	P	NP	NP	NP

Sl.No.	Use Premises	USE ZONES										
		R	C	M	I	Green areas		T1	T2	IG	Agri.	IIT
						P1	P2					
33.	Museum, Art Gallery, Exhibition Centre.	P	P	P	P	NP	NP	NP	NP	P	NP	P
34.	Night Shelter	P	P	P	NP	NP	NP	P	P	NP	NP	NP
35.	Nursery and Kindergarten School	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
36.	Nursing Home	P	P	P	P	NP	NP	NP	NP	NP	NP	P
37.	Offices	P	P	P	P	NP	NP	P	P	NP	NP	P
38.	Oil depot	NP	NP	P	NP	P	NP	NP	NP	NP	P	NP
39.	Open air theatre	P	P	NP	P	P	NP	NP	NP	P	P	NP
40.	Orchard	P	NP	P	P	P	P	P	P	P	P	P
41.	Orphanages	P	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
42.	Park	P	P	P	P	P	P	P	P	P	P	P
43.	Parking	P	P	P	P	P	P	P	P	P	P	P
44.	Petrol Pump/Fuel Station	P	P	P	P	P	P	P	P	P	P	P
45.	Plant Nursery	P	NP	P	P	P	P	P	P	P	P	P
46.	Play ground	P	P	P	P	P	P	P	P	P	NP	P
47.	Police Lines, Civil Defense and Home Guards	NP	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
48.	Public Utilities and Services/facilities	P	P	P	P	P	P	P	P	P	P	P
49.	Railway freight godowns.	NP	NP	P	NP	NP	NP	P	P	NP	NP	P
50.	Recreational Club	P	P	P	P	P	NP	P	P	P	NP	P
51.	Religious premises	P	NP	P	P	NP	NP	NP	NP	P	NP	P
52.	Research & Development Centres.	NP	NP	P	P	NP	NP	NP	NP	P	NP	P
53.	Residential group housing (flatted).	P	NP	P	P	NP	NP	NP	NP	NP	NP	P
54.	Residential plot/plotted housing.	P	NP	P	P	NP	NP	NP	NP	NP	NP	NP
55.	Restaurant	P	P	P	P	NP	NP	P	P	P	NP	P
56.	Rural Centre	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP
57.	Shooting range	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP
58.	Shopping Centres	NP	P	P	P	NP	NP	P	P	P	NP	P
59.	Social and Cultural Centre	P	NP	NP	NP	NP	NP	P	P	P	NP	P
60.	Specialised parks/theme parks and gardens	P	P	P	P	P	P	P	P	P	P	NP
61.	Sports Complex/Centre	NP	NP	P	P	P	NP	NP	NP	P	NP	NP
62.	Sports City	P	NP	NP	P	P	NP	NP	NP	P	NP	NP
63.	Storage, godowns and warehousing, cold storage	NP	P	P	NP	NP	NP	P	P	NP	P	NP
64.	Swimming Pool	P	NP	P	P	P	NP	NP	NP	P	NP	NP
65.	Transport booking office (rail, road and air)	NP	P	P	P	NP	NP	P	P	NP	NP	P
66.	Transport Nagar	NP	NP	P	NP	NP	NP	P	P	NP	NP	P
67.	Vending Booth, Kiosks	P	P	P	P	P	P	P	P	P	NP	P
68.	Weekly Market	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
69.	Wholesale Trade	NP	P	NP	NP	NP	NP	P	P	NP	NP	NP
70.	Women's Hostel	P	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
71.	Zoo	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	NP

* P-Permitted, NP-Not Permitted, R-Residential, C-Commercial, M-Industrial, I-Institutional, P1-Recreational green P2- Nurseries and Horticulture, Transportation, T2- Multi Modal Transport Hub & Multi Modal Logistic Hub, Agri-Agricultural, IIT- Integrated Industrial Township

All use premises not covered in the above table, shall be permissible in various use zones after approval of the Authority's Board.

Uses permissible in Multi Modal Transport Hub & Multi Modal Logistic Hub will be as per Activities and uses approved by Govt.

- 44. **PARKING**
Parking, kiosks, public convenience.
- 45. **PETROL PUMP/FUEL STATION**
Petrol Pump/Fuel Station, Automobile Repair Shop service shops, convino,
- 46. **PLANT NURSERY:**
Nursery
All structures shall be temporary in nature.
- 47. **PLAY GROUND**
Play Ground, Parking (upto 10% area), indoor games hall
Support facilities (upto 10% ground coverage and 20 FAR).
- 48. **POLICE LINES, CIVIL DEFENCE & HOME GUARD**
District Police Office and Civil Defence & Home Guard, Hostel, Play
Ground.
Support facilities upto 25% of FAR, staff housing 15% of FAR.
- 49. **PUBLIC UTILITIES AND FACILITIES/SERVICES**
Overhead Tank, Underground Tank, Oxidation Pond, Septic Tank,
Pumping Stations, Electric Sub-Station, Fire post, fire station, police post,
police station, post office, post and telegraph office, telephone exchange,
transmission tower, satellite/telecommunication centre,
observatory/weather office, radio and television centers, waste disposal and
treatment site and such other utilities and services.
Support facilities up to 5% of FAR.
- 50. **RAILWAY FREIGHT GODOWN**
Railway Freight Godown, Care Taker's Office,
Support facilities up to 5% of FAR.
- 51. **RECREATIONAL CLUB**
Recreational club, swimming pool, indoor and outdoor games facilities,
guest rooms, restaurant
Support facilities up to 25% of FAR.
- 52. **RELIGIOUS PREMISES/BUILDING**
Religious buildings, Ashram, Bathing Ghat, Gaushala, Charitable
Dispensary, Library, flower shops, sweet shops and other shops and
facilities related to religious activities up to 15% of FAR.
- 53. **RESEARCH AND DEVELOPMENT CENTRE**
Research and Development Centre,
Staff housing up to 15% FAR. Hostel and support facilities up to 35% of
FAR. 10.8
- 54. **RESIDENTIAL – GROUP HOUSING (FLATTED/PLOTTED)**

ANNEXURE R-1/2**ELECTROMAGNETIC FIELDS AND PUBLIC HEALTH**

Base stations and wireless technologies World Health
Organization

Fact sheet N°304 May 2006

<http://www.who.int/mediacentre/factsheets/fs304/en/index.html>

Mobile telephony is now commonplace around the world. This wireless technology relies upon an extensive network of fixed antennas, or base stations, relaying information with radiofrequency (RF) signals. Over 1.4 million base stations exist worldwide and the number is increasing significantly with the introduction of third generation technology.

Other wireless networks that allow high-speed internet access and services, such as wireless local area networks (WLANs), are also increasingly common in homes, offices, and many public areas (airports, schools, residential and urban areas). As

the number of base stations and local wireless networks increases, so does the RF exposure of the population. Recent surveys have shown that the RF exposures from base stations range from 0.002% to 2% of the levels of international exposure guidelines, depending on a variety of factors such as the proximity to the antenna and the surrounding environment. This is lower or comparable to RF exposures from radio or television broadcast transmitters.

There has been concern about possible health consequences from exposure to the RF fields produced by wireless technologies. This fact sheet reviews the scientific evidence on the health effects from continuous low-level human exposure to base stations and other local wireless networks.

HEALTH CONCERNS

A common concern about base station and local wireless network antennas relates to the possible long-term health effects that whole-body exposure

to the RF signals may have. To date, the only health effect from RF fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that, the temperature increases are insignificant and do not affect human health.

The strength of RF fields is greatest at its source, and diminishes quickly with distance. Access near base station antennas is restricted where RF signals may exceed international exposure limits. Recent surveys have indicated that RF exposures from base stations and wireless technologies in publicly accessible areas (including schools and hospitals) are normally thousands of times below international standards.

In fact, due to their lower frequency, at similar RF exposure levels, the body absorbs up to five times more of the signal from FM radio and television than from base stations. This is because the frequencies used in FM radio (around 100 MHz) and in TV broadcasting (around 300 to 400 MHz) are lower than those employed in mobile telephony (900 MHz and 1800 MHz) and because a person's height makes the body an efficient receiving antenna. Further, radio and television broadcast stations have been in operation for the past 50 or more years without any adverse health consequence being established.

While most radio technologies have used analog signals, modern wireless telecommunications are using digital transmissions. Detailed reviews conducted so far have not revealed any hazard specific to different RF modulations.

Cancer: Media or anecdotal reports of cancer clusters around mobile phone base stations have

heightened public concern. It should be noted that geographically, cancers are unevenly distributed among any population. Given the widespread presence of base stations in the environment, it is expected that possible cancer clusters will occur near base stations merely by chance. Moreover, the reported cancers in these clusters are often a collection of different types of cancer with no common characteristics and hence unlikely to have a common cause.

Scientific evidence on the distribution of cancer in the population can be obtained through carefully planned and executed epidemiological studies. Over the past 15 years, studies examining a potential relationship between RF transmitters and cancer have been published. These studies have not provided evidence that RF exposure from the transmitters increases the risk of cancer. Likewise, long-term animal studies have not established an increased risk of cancer from exposure to RF

fields, even at levels that are much higher than produced by base stations and wireless networks.

Other effects: Few studies have investigated general health effects in individuals exposed to RF fields from base stations. This is because of the difficulty in distinguishing possible health effects from the very low signals emitted by base stations from other higher strength RF signals in the environment. Most studies have focused on the RF exposures of mobile phone users. Human and animal studies examining brain wave patterns, cognition and behaviour after exposure to RF fields, such as those generated by mobile phones, have not identified adverse effects. RF exposures used in these studies were about 1000 times higher than those associated with general public exposure from base stations or wireless networks. No consistent evidence of altered sleep or cardiovascular function has been reported.

Some individuals have reported that they experience non-specific symptoms upon exposure to RF fields emitted from base stations and other EMF devices. As recognized in a recent WHO fact sheet "Electromagnetic Hypersensitivity", EMF has not been shown to cause such symptoms. Nonetheless, it is important to recognize the plight of people suffering from these symptoms.

From all evidence accumulated so far, no adverse short- or long-term health effects have been shown to occur from the RF signals produced by base stations. Since wireless networks produce generally lower RF signals than base stations, no adverse health effects are expected from exposure to them.

PROTECTION STANDARDS

International exposure guidelines have been developed to provide protection against established effects from RF fields by the International Commission on Non-Ionizing

Radiation Protection (ICNIRP, 1998) and the Institute of Electrical and Electronic Engineers (IEEE, 2005).

National authorities should adopt international standards to protect their citizens against adverse levels of RF fields. They should restrict access to areas where exposure limits may be exceeded.

PUBLIC PERCEPTION OF RISK

Some people perceive risks from RF exposure as likely and even possibly severe. Several reasons for public fear include media announcements of new and unconfirmed scientific studies, leading to a feeling of uncertainty and a perception that there may be unknown or undiscovered hazards. Other factors are aesthetic concerns and a feeling of a lack of control or input to the process of determining the location of new base stations. Experience shows that education programmes as well as effective communications and involvement of the public and other stakeholders at appropriate

stages of the decision process before installing RF sources can enhance public confidence and acceptability.

CONCLUSIONS

Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.

WHO INITIATIVES

WHO, through the International EMF Project, has established a programme to monitor the EMF scientific literature, to evaluate the health effects from exposure to EMF in the range from 0 to 300 GHz, to provide advice about possible EMF hazards and to identify suitable mitigation measures. Following extensive international reviews, the International EMF Project has promoted research to fill gaps in knowledge. In response national governments and research institutes have funded

over \$250 million on EMF research over the past 10 years.

While no health effects are expected from exposure to RF fields from base stations and wireless networks, research is still being promoted by WHO to determine whether there are any health consequences from the higher RF exposures from mobile phones.

The International Agency for Research on Cancer (IARC), a WHO specialized agency, is expected to conduct a review of cancer risk from RF fields in 2006-2007 and the International EMF Project will then undertake an overall health risk assessment for RF fields in 2007-2008.

FURTHER READING

ICNIRP (1998) www.icnirp.org/documents/emfgdl.pdf

IEEE (2006) IEEE C95.1-2005 "IEEE Standard for Safety Levels with Respect to Human Exposure to

Radio Frequency Electromagnetic Fields, 3 kHz to
300 GHz"

RELATED LINKS

- Base stations & wireless networks: Exposures & health consequences
- Fact sheet: Electromagnetic fields and public health: Electromagnetic Hypersensitivity
- WHO handbook on "Establishing a Dialogue on Risks from Electromagnetic Fields"
- 2006 WHO Research Agenda for Radio Frequency Fields PDF, 100kb

For more information contact:

WHO Media centre

Telephone: +41 22 791 2222

E-mail: mediainquiries@who.int

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ANNEXURE R-1/3

Government of India
Ministry of Communications and IT
Department of Telecommunications
(AS-II Cell)

Sanchar Bhavan, 20, Ashok Road,
New Delhi-110117

No.842-998/2008-AS-IV ' Dated: 4TH Nov., 2008

To,

All Cellular Mobile Telephone Service Licensee(s)
to whom CMTS Licenses issued in 2001 or
thereafter

Subject: Amendment to the Cellular Mobile Telephone
Service Licence Agreement issued in 2001 or
thereafter

In exercise of the power vested in the Licensor
under clause 5.1 of Cellular Mobile Telephone
Service (CMTS) Licence issued in 2001 and

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thereafter, inter-alia, reserving the right to modify at any time the terms and conditions of the LICENCE, in public interest, security of the nation or proper conduct of the SERVICE, the Licensor hereby inserts after clause 46.5 of the said Licence Agreement, with immediate effect, the following clause, namely:-

"46.5A. Licensee shall conduct audit and provide self certificates annually as per procedure prescribed by Telecommunication Engineering Centre (TEC)/or any other agency authorized by Licensor from time to time for confirming to limits/levels for antennae (Base Station Emissions) for general public exposure as prescribed by International Commission on Non-Ionizing Radiation Protection (ICNIRP) from time to time. The present limits/levels are reproduced as detailed below:

Frequency Range	E-Field Strength (Volt/Meter (V/m))	H-Field Strength (Amp/ Meter (A/m))	Power Density Watt/Sq. Meter (W/Sq.m))
400MHz to 2000MHz	$1.375f^{1/2}$	$0.0037f^{1/2}$	$f/200$
2GHz to 300GHz	61	0.16	10

(f = frequency in MHz)

Note:

The compliance in the form of Self Certificate shall commence six months after the date of issue of prescribed test procedure by TEC or any other agency authorized by Licensor.

(B.L. PANWAR)
Asstt. Director General (VAS-II)
Tel:23710506

Copy to:

1. Secretary, TRAI, New Delhi
2. Wireless Advisor, WPC Wing, New Delhi
3. Sr. DDG, TEC, New Delhi: A detailed test procedure may kindly be issued on priority
4. Sr.DDG(WPF), DoT, New Delhi
5. DDG (Security), DDG(AS-I), DDG(LF), DoT, New Delhi
6. DDG(C&A), DoT for posting on the DoT website

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ANNEXURE R-1/4

Government of India
Department of Telecommunications
(Access Services Cell)
Sanchar Bhawan, 20, Ashoka Road
New Delhi -110 001

File No: 800-15/2010-VAS Dated: 26 .06.2013

To,
All Cellular Mobile Telephone
Service Licensee(s) to whom CMTS
License were issued in 2001 or thereafter

Subject: Corrigendum to amendment dated
11.01.2013 to the Cellular Mobile Telephone
Service Licence Agreement issued in 2001 or
thereafter.

In this office letter of even number dated
10.01.2013 pertaining to Electromagnetic

35

Radiations from antennae (Base Stations), the amended clause 46.5A may be read as under:

"Licensee shall conduct, audit and provide self certificates after every two year as per procedure prescribed by Telecommunication Engineering Centre (TEC)/or any other agency authorized by Licensor from time to time for conforming to limits/levels for antennae. (Base Station) Emissions for general public exposure as prescribed by Licensor from time to time. The present limits/levels are reproduced as detailed below:

Frequency Range	E-Field Strength (Volt/Meter (V/m))	H-Field Strength (Amp/Meter (A/m))	Power Density (Watt/ Sq. Meter (W/Sq.m))
400MHz to 2000MHz	$0.434f^{1/2}$	$0.0011f^{1/2}$	$f/2000$

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2GHz to 300GHz	19.29	0.05	1
-------------------	-------	------	---

(f = frequency in MHz)

Sd/-
(P.C. Sharma)
Director(AS-II)

Copy to:-

1. Secretary, TRAI
2. Sr. DDG, TEC
3. Sr. DDG (TERM). DoT
4. DDG (CS), DoT
5. All DDsG TERM.
6. Director (AS-1)/ Director (AS-III)/ Director (AS-IV), DoT

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ANNEXURE R-1/5

DEPARTMENT of TELECOMMUNICATIONS ADVISORY
GUIDELINES FOR STATE GOVERNMENTS FOR ISSUE OF
CLEARANCE FOR INSTALLATION OF MOBILE TOWERS

(Effective from 01.08.2013)

1. The Indian telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the country over the past decade. Providing telephone coverage across the country has been one of DoT's top priority areas. Out of 921 million connections, 891 million are wireless, as on May 2013. The popularity of cell phone and wireless communication devices has resulted in a proliferation of cell towers across the country.
2. Fixation of standards for exposure limits of radio frequency field emissions from mobile base stations, monitoring their compliance, all radiation related technical issues, issues of Access Service Licence / Infrastructure Provider registration and

SACFA clearance for frequency allocation at any location are dealt with by DoT.

3. India has adopted strict limit for radiation from Base Transceiver Station (BTS), as below, which is 1/10th of the International norms (ICNIRP):

Frequency in MHz	Power density limit
900	0.45 watt/m ²
1800	0.9 watt/m ²
2100 and above	1 watt/m ²

4. Broad guidelines for issue of clearance for installation of mobile phone towers were issued on 23.08.2012 and later modified on 26.03.2013. Subsequently, on the basis of feedback received after deliberations made with the state government officials and various stake holders on 16.04.2013 and holding further consultations thereafter, the guidelines have been finalized for the state governments. These are detailed in A and B below. These guidelines are issued in

supersession of all earlier guidelines on the subject. A. Documents to be submitted by Telecom Service Providers/ Infrastructure Providers for obtaining clearance from local bodies/ state governments for installation of mobile towers:

- I. Copy of relevant license / Infrastructure Provider Registration Certificate from Department of Telecommunications.

- II. Data Sheet
 - a) Name of Service/Infrastructure Provider
 - b) Location
 - c) Tower Reference:
 - i) Height, ii) Weight iii) Ground/Roof Top iv) Pole/wall mounted v) Number of antennae

- III. Copy of SACFA clearance / copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as

WPC acknowledgement along with undertaking that in case of any objection/rejection, TSPs/ IPs will take corrective actions / remove the tower.

- IV. Copy of structural stability certificate for ground based tower. In case of roof top BTS towers, structural stability certificate for the building and tower based on written approvals of any authorized Structural Engineer of state/local bodies/Central Building Research Institute (CBRI), Roorkee/IIT/NIT or any other agency authorized by local body.
- V. Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.
- VI. Copy of clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory.

VII. For forest protected areas, the copy of clearance from State Environment & Forest Department, if applicable.

VIII. The local bodies may also seek submission of the copy of No Objection Certificate (NOC) from Building Owner / entities having roof top rights or roof top tenants in case of roof based tower/. land owner in case of ground based tower, as the case may be. As per their rules in force, State Governments, at their discretion, may seek fresh NOC at the time of renewal of site (tenancy) contract for mobile tower.

IX. Acknowledgement receipt issued by TERM Cells (DoT) of the self certificate submitted by Telecom Service Provider/ Infrastructure Provider in respect of mobile tower/ BTS (ground based/ roof top/ Pole/ wall mounted) in the format as prescribed by TEC, DoT, establishing / certifying that all General

Public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.

B. Action by State government/Local body

I. Nominal one time Administrative Fee as may be decided by the State Government to recover its costs on the issue of permission for installation of Tower.

II. Single Window Clearance may be provided in a time bound manner to telecom service provider / infrastructure provider by the local body / State Government. This will ensure issuance of faster clearances.

III. Telecom towers have been given infrastructure status by Government of India vide gazette notification no 81 dated 28.03.2012. All benefits, as applicable to infrastructure industry, should be extended. Electricity

connection may be provided to BTS site on priority.

IV. Telecom installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service, sealing of BTS towers / disconnection of electricity may not be resorted to without the consent of the respective TERM Cell of DoT in respect of the EMF related issues.

V. State Governments along with DoT may organise public awareness programmes involving civil society members.

VI. In order to effectively address Public Grievances relating to installation of towers and issues related to telecom infrastructure, State Governments may setup:

- State Level Telecom Committee (STC) consisting of officers from TERM Cells, State Administration,

representative(s) of concerned Telecom Service Provider(s) and eminent public persons etc.

- District Level Telecom Committee (DTC) consisting of officers from District Administration, representative(s) of concerned Telecom Service Provider(s) and eminent public persons etc.

C. Action by DoT/ TERM Cells:

I. Public awareness programme (Through DoT web portal / Govt. Publication).

II. a) For all the existing as well as new BTSs / Towers, Telecom Service Providers are required to submit self-certificates periodically in the format as prescribed by TEC, DoT, in order to ensure that normally all general public areas around the site are within the safe EMR exposure limits. Any violation noticed attracts heavy penalties on Telecom Service Provider(s) and may also lead to shut down of BTS in case the violation persists.

- b) The TERM Cells have been given clear instructions with regard to the technical audit of BTS, including for radiation from towers within safe limits. These include roof top/ ground based/ pole mounted/wall mounted towers. They will also verify antenna orientation, safe distance from the tower (exclusion zone) etc. Installation and augmentation of BTS and antenna is a continuous process. DoT is organizing frequent workshops for these officers to ensure observance of the latest guidelines issued by DoT on the subject of EMF radiation and public safety. Additional Guidelines for TERM Cells as follows:

Additional Guidelines to TERM Cells for auditing BTS For
EMF radiation.

(Effective from 01.08.2013)

1. Instructions/guidelines have been issued to the TERM Cells for auditing the RF radiations from BTS for compliance to the prescribed norms. Following are additional guidelines to TERM Cells in the matter.

2. With a view to strengthen monitoring and compliance of safety aspects/provisions in regard to radio frequency emissions from mobile towers, TERM Cells may take the following also into account while conducting their audits for the purpose of ensuring that all general public areas are within safe EMF exposure limits as prescribed by DoT.
 - In case of both ground based towers & roof top towers, there shall be no building right in front of the antenna(e), of equivalent height taking into account the tilt of the lowest

antenna on tower as per details in the table below. Further, the antennae at the same height only are to be counted, as the beam width of the mobile antennae, in the vertical direction, is very narrow.

Number of antenna(e) pointed in the same direction	Building/Structure safe distance from the antenna(e) at the same height (in meters)
1	20
2	35
4	45
6	55

- The distance figures in the above table are based on empirical estimation considering that all the antennae are emitting at their maximum RF power of 20 Watts and exactly in the same direction with same height (a worst case scenario). In practice, the values of safe distance of buildings will depend upon

4.8

actual deployment scenarios and mostly, may be far less than depicted above.

3. Wall Mounted/Pole mounted Antenna:

- Wherever the antennae are mounted on the wall of building or pole on/along the road, their height should be at least 5 meters above ground level /road level. However, such installations will have to comply with the radiation limits.
- As far as safe distance of buildings from antenna is concerned, guidelines as given above will apply.

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ANNEXURE R-1/6

Govt. of India

Ministry of Communications & IT

Department of Telecommunications 713,

Sanchar Bhawan, 20-Ashoka Road,

New DeIhi-110001

(Carrier Services Cel)

No. 17-63/2011-CS-III

Dated: 27.02.2014

OFFICE MEMORANDUM

Subject: Report of the Committee constituted in compliance to the directions of the Hon'ble High Court, Allahabad, Lucknow Bench on issues relating to Electromagnetic Field (EMF) radiation— Acceptance and decisions regarding:

In compliance to the directions of Hon'ble High Court, Allahabad, Lucknow Bench vide its order dated 10th January, 2012, the Committee was setup by the Government which has submitted

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its Report on 17.01.2014 on issues relating to EMF radiations from cell phone towers and mobile handsets. In consideration to the Report of the Committee, the following decisions are hereby conveyed:-

1) The present prescribed norms for the EMF radiation limits are as follows:

a) Limits/levels for antennae (Base Station) EMF Emissions for general public exposure:

Frequency Range	E-Field Strength (Volt/Meter (V/m))	H-Field Strength (Amp/Meter (A/m))	Power Density (Watt/Sq. Meter (W/Sq.m))
400MHz to 2000MHz	$0.434f^{1/2}$	$0.0011f^{1/2}$	$f/2000$

51

2GHz to 300GHz	19.29	0.05	1
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(f = frequency in MHz)

The above prescribed limits for EMF radiations from Base Station in India are one-tenth (1/10th) of internationally prescribed limits (ICNIRP).

b) For Mobile Phones:

Specific Absorption Rate (SAR) levels for mobile handsets adopted in India are 1.6 Watt/Kg averaged over a mass of 1gram of human tissue.

The Department of Telecom has already prescribed stricter precautionary limits for EMF radiation from mobile tower as well as from mobile handset/phones applicable as on date.

After due consideration of the human health concerns on account of EMF radiation recently being raised in public and the Report of the Committee, it has been decided that the present prescribed precautionary EMF safe exposure limits are adequate and need no further *change* at this stage.

- 2) Department of Telecom has already taken adequate steps in regard to granting of permission for sitting of mobile towers in its recent guidelines to State governments and Telecom Enforcement, Resource & Monitoring (TERM) cells in different licence service areas effective from 01-08-2013. In order to make the deterrence stronger, the penalty for violation of prescribed stricter EMF norms from BTS tower by telecom service providers has been increased from Rs.5 Lakhs to Rs. 10 Lakhs per BTS, per incidence per operator w.e.f. 20th November, 2013.

In order to ensure compliance to the prescribed stricter precautionary norms of EMF from BTS tower, the extensive audit of comprehensive self-certificates and sites for compliance to EMF radiations safe limits being submitted by telecom service providers shall be carried out by TERM Cells of DoT for the purpose of limiting the EMF radiation exposure and keeping general public areas in the vicinity of towers safe, as per the procedure prescribed from time to time in their respective License Service Areas.

- 3) The Department of Science and Technology and Indian Council of Medical Research (ICMR) shall carry out / facilitate extensive studies, on the Indian conditions with special focus on prolonged use of mobile phone, to conclusively determine sensitivity of EMF Radiation / possible health hazard risk of EMF radiation, which at present is not proven. These Indian specific scientific studies should aim at

generating scientifically credible data and evidences by involving Ministry of Science and Technology, ICMR, Ministry of Environment & Forest, DoT and other relevant organization. The Government of India shall make available funds to ensure extensive long term/short term research and studies on possible health effects of EMF radiation on life (Human, Living organism, Flora & Fauna & Environment).

4. Concerned departments of Government like Department of Telecom, Health, Environment etc. shall step up efforts to spread public awareness on EMF and above precautions regarding mobile phones (Handsets) to allay undue apprehensions in regard to possible health effects of EMF radiation largely caused due to misinformation being peddled by certain sections in public. This can be done through print media/electronic media and other communications channels and tools along with

conducting market research / survey, workshops and seminars etc.

5. Annual discussion, meetings/seminars shall be *conducted* by the *Government* by inviting experts from various academic and research institutions for continual evaluation of scientific evidence published worldwide with an aim to monitor the progress in research on the effects of EMF radiation.
6. In order to get latest updates on EMF radiation related issues, DoT will actively participate in the deliberations of various International standards bodies, including WHO, involved in the study of EMF radiation.
7. Department of Telecom will create national EMF web portal to provide public access to the status of compliance, of the prescribed EMF norms, of all BTSs/ mobile towers in the country and related relevant information.

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This issues with the approval of MOC&IT.

(Sanjeev Kumar Sharma)
Director (CSIII)

Copy to:-

- I) PS to Hon'ble MOC&IT
- II) PS to Hon. MOS (C&IT)-D
- III) PS to Hon. MOS (C&IT)-P
- IV) PPS to Secretary (T), DoT
- V) PSs to Member (T)/Member (F)/ Member (S)
- VI) PS to Addl., Secy.
- VII) Advisor (Technology)
- VIII) Sr.DDG (TERM)/Sr. DDG (TEC)/DDG (AS-I)/
JS(A)/ DDG (CS)/ DDG (PG)/ Wireless
Adviser, WPC, DoT for taking necessary
action,

Copy for action as appropriate to:

- I) Secretary, Ministry of Environment & Forests
- II) Secretary, Department of Science &
Technology
- III) Secretary, Department of Health & Family
Welfare
- IV) Director General, Indian Council of Medical
Research

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VAKALATNAMA
THE NATIONAL GREEN TRIBUNAL

O.A. No. 557 / 2022
Greater Atulyam Apartment Owners Association Petitioner/Applicant/s
VERSUS
Greater Noida Industrial Development Authority & Anr. Respondent/s
I/we Greater Noida Industrial Development Authority. Petitioner
/appellant(s)/ Respondent (s) in the above Petition / Appeal / Reference do hereby
appoint and retain

Binay Kumar Das Advocate

to act and appear for me / us in the above / Petition/ Appeal/ Reference and on my
/ our behalf to conduct and prosecute or defend or withdraw the same and all
proceedings that may be taken in respect of any application connected with the
same any decree or order passed therein, including proceedings in taxation and
application for review, to file and obtain, return of documents and deposit and
receive money on my / our behalf in the said suit / caveat / Appeal / Petition /
Reference and Application for review and represent me / us and to take all
necessary steps on my / our behalf in the above matter. I / we agree to ratify acts
done by the aforesaid Advocate, in pursuance of this Authority.

Dated this the.....22..... day of ...11.....2022

ACCEPTED IDENTIFIED & CERTIFIED


(Binay Kumar Das)
ADVOCATE


Petitioner(s) Applicant (S)
Respondent (s) Caveator (s)

MEMO OF APPEARANCE

To,
The Registrar
N.G.T., New Delhi
Sir,

Vandana Raghav
Deputy Law Officer
GNIDA

Please enter my appearance on behalf of the Petitioner(s)/ Applicant (s)/
Respondent(s) in the above matter.

Date..22.11.2022

Faithfully

Your's




(Binay Kumar Das)
Advocate for the ~~petitioner~~ respondent No 2
Chamber No.210, Supreme Court New Delhi
Mob-986888234
advocatebinaykdas@yahoo.co.in.



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Thank you & regards.

Binay Kumar Das

Counsel for the respondent no.1

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