

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH-NEW DELHI**

**IN OA NO. 879/2022**

**In The Matter of:**

Gauri Maulekhi

**.... Applicant**

VERSUS

Union of India & Anr

**.... Respondents**

**NDOH:29-03-2023**

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**Through**

Respondent No. 1



**Date:** 21-03-2023

**Place:** Delhi

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

IN

**ORIGINAL APPLICATION No. 879 OF 2022**

**IN THE MATTER OF: -**

Gauri Maulekhi

....Applicant

VERSUS

Union of India

....Respondent

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE  
CHANGE**

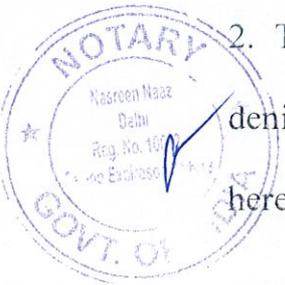
**MOST RESPECTFULLY SHOWETH:**

I, Sundar Ramanathan, working as Scientist "E" in the Ministry of Environment, Forest & Climate Change, at New Delhi, the deponent herein does hereby solemnly affirm and state on oath as under: -

1. That I am duly authorized and competent to swear the present reply affidavit on behalf of Ministry of Environment, Forest and Climate Change (herein after referred as MoEF&CC).

2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.

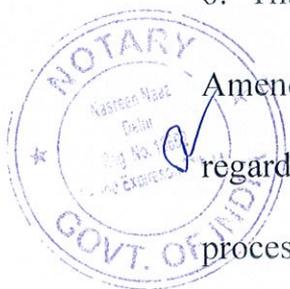
3. That the instant reply is being filed by the Answering Respondent in compliance of the order dated 06/12/2022 of the Hon'ble NGT without prejudice to the right to file a fuller and more detailed reply at a later stage, if so necessary.



4. It is humbly submitted that Slaughterhouses and Processing Units are covered under the consent mechanism under the provisions of Air Act, 1981 and Water Act, 1974 wherein they need to obtain the Consent to Establish (CTE) and the Consent to Operate (CTO) under the relevant provisions of Air Act, 1981 and Water Act, 1974 from the respective State Pollution Control Boards prior to establishment and commencement of activity. The consents so granted provide for necessary environmental safeguards.

5. Further, the Ministry vide S.O. 1995(E) dated 27th July, 2010 issued Prevention to Cruelty (slaughter house) Amendment Rule, 2010, which explicitly states that the Animal Welfare Board of India or any person or Animal Welfare Organization authorized by it may inspect any slaughter house without notice to its owner or the person in charge of it at any time during the working hours to ensure that the provisions of these rules are being complied with.

6. That the Ministry has notified the Environment (Protection) Sixth Amendment Rules, 2016 vide G.S.R. 1016(E) dated 28<sup>th</sup> October, 2016 with regard to standards for discharge of effluents from slaughterhouses, meat processing Units and sea food industry, which needs to be strictly followed by the industry. The parameters included in the notification for effluents are pH, Bio-chemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Suspended Solids and Oil and Grease for gases emission from Units the environmental standards for boiler are applicable. A copy of the notification dated 28/10/2016 has been annexed as ANNEXURE A/1.



7. It is humbly submitted that the slaughterhouses are also covered under the Solid Waste Management Rules, 2016, which ensures that the waste generated by the slaughterhouses are managed in an environment friendly manner.

8. That, it is humbly submitted that the Central Government in exercise of its powers under sub- section (1) and clause (v) of sub- section (2) of the Section (3) of Environment (Protection) Act, 1986 (EPA, 1986) had issued the Environment Impact Assessment (EIA) Notification dated 14/09/2006 for mandating prior Environmental Clearance (EC) for certain category of development projects.

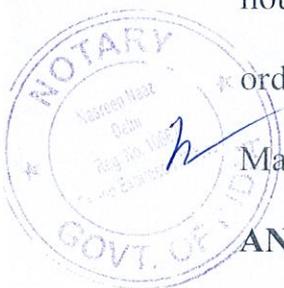
9. That the petitioner herein has prayed before this Hon'ble Tribunal to consider proposals for grant of EC in respect of a slaughterhouse/ processing Units as an integrated one comprising of both building and slaughter activity and include slaughter houses within the ambit of EIA, 2006.

10. Further, the Ministry has granted EC dated 05/01/2021 for the development of modern poultry and egg market which is inclusive of slaughter house. Furthermore, the EC has been upheld by the Hon'ble Tribunal vide

order dated 22/04/2022 in Original Application No. 40/2022 titled Gauri Maulekhi vs. Union of India & Ors. A copy of the Order has been annexed as

**ANNEXURE A/2.**

11. It is humbly submitted that the Ministry is already issuing EC to building complexes having built up area greater than 20,000 sqmts., which also has slaughterhouses wherein the Expert Appraisal Committee after deliberation on such proposal has proposed specific condition pertaining to management of



solid waste generated from these slaughterhouses. Hence, one of the prayers sought by the petitioner is already being followed by the Ministry.

12. That, the CPCB is entrusted with the function of abatement of water and air pollution in the country. Further as per the classification issued by the CPCB, slaughter houses and meat processing Units are mainly water polluting and obnoxious odor generating industry. Hence the CPCB/ State Pollution Control Boards (SPCB) are also mandated to regularly monitor the slaughter houses. CPCB vide letter dated 12th July 2012 directed the SPCBs to submit six monthly status reports on the status of slaughter houses to CPCB and the same is being monitored by CPCB.

13. Further, the CPCB vide OM no. IPC-IV/Projects-SH/2017-18 dated 23rd October 2017 have issued a document on 'Characterization, Waste Management Practices & Best Available Pollution Control Technologies in Slaughter Houses. The document states that,



*“All slaughterhouses/ meat processing Units shall ensure safe and proper disposal of solid waste {Type I (Vegetable matter such as rumen, stomach and intestinal contents, dung, agriculture residues etc.) and Type II (Animal matter such as inedible offal, tissues, meat trimmings, waste and condemned meat, bones etc.)} through suitable technology approved by SPCBs/PCCs.”*

14. That the CPCB vide letter dated 13/01/2022 issued to all SPCBs/PCCs has directed to ensure that all slaughter houses need to install rendering

plant and effluent treatment plants and will not operate without consent.

15. It is humbly submitted that in view of the above, requisite guidelines/safeguards are already in place to regulate the slaughterhouses/processing Units from environment perspective.

16. It is submitted that the present reply Affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.



*Notary*  
I Identified the deponent who has Signed in my presence  
21/4/2016

### VERIFICATION

Verified at

23 FEB 2023

on

this day of February, 2023

that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed there from.

DEPONENT

(सुन्दर रामानाथन)  
(SUNDAR RAMANATHAN)  
वैज्ञानिक 'ई'/Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

ATTESTED  
  
NOTARY DELHI (INDIA)

DEPONENT

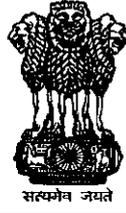
(सुन्दर रामानाथन)  
(SUNDAR RAMANATHAN)  
वैज्ञानिक 'ई'/Scientist 'E'  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Min. of Environment, Forest and Climate Change  
भारत सरकार, नई दिल्ली  
Govt. of India, New Delhi

23 FEB 2023

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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 (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 750]

नई दिल्ली, शुक्रवार, अक्टूबर 28, 2016/कार्तिक 6, 1938

No. 750]

NEW DELHI, FRIDAY, OCTOBER 28, 2016/KARTIKA 6, 1938

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 28 अक्टूबर, 2016

सा.का.नि. 1016(अ).—केन्द्रीय सरकार, की धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पर्यावरण (संरक्षण) नियम, 1986 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ-

(1) इन नियमों का संक्षिप्त नाम पर्यावरण (संरक्षण) छठा संशोधन नियम, 2016 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पर्यावरण (संरक्षण) अधिनियम, 1986 की अनुसूची 1 में, क्रम संख्या 50 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात्:-

वधशालाओं, मांस प्रसंस्करण यूनिटों और समुद्री खाद्य उद्योग

क्रम सं.	उद्योग	पैरामीटर	मानक
1	2	3	4
"50	क. वधशालाएं या मांस प्रसंस्करण यूनिटें या दोनों	बहिस्त्राव	पीएच के सिवाय अधिकतम सकेन्द्रण मूल्य मिलीग्राम /1 में हैं
		पीएच	6.5 से 8.5
		जैव रासायनिक ऑक्सीजन डिमांड (बीओडी) [3 दिन	30

5059Gi 2016

(1)

		27° सेल्सियस]	
		रासायनिक ऑक्सीजन डिमांड (सीओडी)	250
		निलंबित पिंड	50
		तेल और ग्रीज	10
	ख. समुद्री खाद्य उद्योग'	जैव रासायनिक ऑक्सीजन डिमांड (बीओडी) [3 दिन 27° सेल्सियस]	30
		निलंबित पिंड	50
		तेल और ग्रीज	10

'वधशालाएं या मांस प्रसंस्करण यूनिटें या दोनों और समुद्री खाद्य उद्योग के बायलर घर से उत्सर्जन मानक पर्यावरण (संरक्षण) अधिनियम, 1986 के अधीन समय समय पर यथा संशोधित अधिसूचना सं. सा.का.नि. 742(अ), तारीख 30.08.1990 द्वारा विहित किया गया था।

टिप्पणः(i) स्थानीय निकायों/नगर पालिकाओं में प्रचालित की जा रही वधशालाओं के लिए जहां बहिःस्राव पूर्ण मल व्ययन उपचार संयंत्र की ओर जाने वाली नगरपालिका मल नालियों में निस्सारित किया जाता है वहां बीओडी 100मि.ग्रा./1 तक शिथिल किया जा सकता है।

(ii) सभी वधशालाएं और मांस प्रसंस्करण यूनिटें एसपीसीबी और पीसीसी द्वारा अनुमोदित उपयुक्त प्रौद्योगिकी के माध्यम से टोस अपशिष्ट {टाइप 1 (वनस्पति जन्य पदार्थ जैसे प्रथम अमाशय, अमाशय, आंत्र में मौजूद पदार्थ, गोबर, कृषि अवशेष) और टाइप 2 जीव जंतु पदार्थ जैसे अखाद्य अपशिष्ट, उत्तक, मांस परिकर्तन, अपशिष्ट और बेकार मांस, अस्थियां आदि}} का सुरक्षित और उचित निपटान सुनिश्चित करेंगी।"।

[फा. सं. क्यू-15017/21/2015-सीपीडब्ल्यू]

डा. राशिद हसन, सलाहकार

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 28th October, 2016

**G.S.R. 1016(E).**— In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. Short title and Commencement.-

(1) These rules may be called the Environment (Protection) Sixth Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule-I, for serial number 50 and the entries relating thereto, the following serial number and entries shall be substituted, namely:-

**STANDARDS FOR DISCHARGE OF EFFLUENTS FROM SLAUGHTERHOUSES, MEAT PROCESSING  
UNITS AND SEA FOOD INDUSTRY**

S.No.	Industry	Parameter	Standard
1	2	3	4
"50	A. Slaughterhouses or Meat Processing Units or Both*	Effluents	Maximum Concentration values are in mg/l except for pH
		pH	6.5 to 8.5
		Bio-chemical Oxygen Demand (BOD) [3 days at 27°C]	30
		Chemical Oxygen Demand (COD)	250
		Suspended Solids	50
	B. Sea Food Industry*	Oil and Grease	10
		Bio-chemical Oxygen Demand (BOD) [3 days at 27°C]	30
		Suspended Solids	50
		Oil and Grease	10

\*The emission standards from Boiler House of Slaughterhouses or Meat Processing Units or both and Sea Food Industry shall conform to the standards prescribed vide notification No. G.S.R. 742 (E), dated 30.08.1990 as amended from time to time under the Environment (Protection) Act, 1986.

**Note:**

- For Slaughterhouses operating in local bodies/ municipalities, where the treated effluent is discharged into municipal sewers leading to full-fledged Sewage Treatment Plant, the BOD may be relaxed to 100mg/l.
- All Slaughterhouses/ meat processing units shall ensure safe and proper disposal of solid waste {Type I (Vegetable matter such as rumen, stomach and intestinal contents, dung, agriculture residues etc) and Type II (Animal matter such as inedible offal, tissues, meat trimmings, waste and condemned meat, bones etc.)} through suitable technology approved by SPCBs/PCCs. "

[F.No. Q-15017/21/2015-CPW]

Dr. RASHID HASAN, Adviser

**Note-** The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3. Sub-section (i), vide number S.O. 844 (E), dated the 19<sup>th</sup> November, 1986 and subsequently amended vide the following notifications, namely:—

S.O. 433 (E), dated the 18<sup>th</sup> April 1987; G.S.R. 176(E), dated the 2<sup>nd</sup> April, 1996; G.S.R. 97 (E), dated the 18<sup>th</sup> February, 2009; G.S.R. 149 (E), dated the 4<sup>th</sup> March, 2009; G.S.R. 543(E), dated the 22<sup>nd</sup> July, 2009; G.S.R. 739 (E), dated the 9<sup>th</sup> September, 2010; G.S.R. 809(E), dated, the 4<sup>th</sup> October, 2010, G.S.R. 215 (E), dated the 15<sup>th</sup> March, 2011; G.S.R. 221(E), dated the 18<sup>th</sup> March, 2011; G.S.R. 354 (E), dated the 2<sup>nd</sup> May, 2011; G.S.R. 424 (E), dated the 1<sup>st</sup> June, 2011; G.S.R. 446 (E), dated the 13<sup>th</sup> June, 2011; G.S.R. 152 (E), dated the 16<sup>th</sup> March, 2012; G.S.R. 266(E), dated the 30<sup>th</sup> March, 2012; and G.S.R. 277 (E), dated the 31<sup>st</sup> March, 2012; and G.S.R. 820(E), dated the 9<sup>th</sup> November, 2012; G.S.R. 176 (E), dated the 18<sup>th</sup> March, 2013; G.S.R. 535(E), dated the 7<sup>th</sup> August, 2013; G.S.R. 771(E), dated the 11<sup>th</sup> December, 2013; G.S.R. 2(E), dated the 2<sup>nd</sup> January, 2014; G.S.R. 229 (E), dated the 28<sup>th</sup> March, 2014; G.S.R. 232(E), dated the 31<sup>st</sup> March, 2014; G.S.R. 325(E), dated the 07<sup>th</sup> May, 2014, G.S.R. 612, (E), dated the 25<sup>th</sup> August 2014; G.S.R. 789(E), dated the 11<sup>th</sup> November 2014; S.O. 3305(E), dated the 7<sup>th</sup> December, 2015; S.O.4(E), dated 1<sup>st</sup> January 2016; G.S.R. 35(E), dated 14<sup>th</sup> January 2016, G.S.R. 281 (E), dated 7<sup>th</sup> March, 2016; G.S.R. 496(E), dated 09<sup>th</sup> May, 2016 and lastly amended vide notification G.S.R.497(E), dated 10<sup>th</sup> May, 2016.

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Item No. 05

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 40/2022

(With report dated 21.04.2022)

Gauri Maulekhi

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 22.04.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant: Ms. Esha Dutta, Advocate

Respondent(s): Ms. Avnish Ahlawat, Advocate for DAMB  
Mr. Narender Pal Singh, Advocate for DPCC**ORDER**

1. This application seeks compliance of earlier order of this Tribunal dated 19.05.2021 in Appeal No. 11/2021, *Gauri Maulekhi v. MoEF&CC & Anr.* By the said order, validity of EC granted by the MoEF&CC for development of Modern Poultry & Egg Market with built up area of 96,629.057 sqm. at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi by M/s Delhi Agricultural Marketing Board (DAMB) was examined in the light of orders of the Hon'ble Supreme Court and Delhi High Court. The Tribunal observed that no Environment Impact Assessment (EIA) had been conducted with regard to the slaughtering activities. Accordingly, it was directed that the impugned EC may be revisited and may not be

given effect to till an appropriate EIA is conducted. The operative part of the order is reproduced below:-

“1.....xxx.....xxx.....xxx

2. *Principal objection of the appellant against the impugned EC is that the slaughtering of animals and processing of meat cannot be at the same place where marketing is done. In support of this submission, reference has been made to the reports of the sub-Committee dated 05.08.2019 and 04.11.2020 which inspected the site. The sub-Committee was constituted in pursuance of directions of the Hon'ble Supreme Court in Laxmi Narain Modi v. UOI, (2014) 2 SCC 417 (dated 23.8.2012) and (2013) 10 SCC 227 (dated 27.8.2013) to oversee slaughtering of animals consistent with the environmental norms and Prevention of Cruelty to Animals Rules 2000. The recommendations of the said Committees are as follows:-*

**Dated 05.08.2019**

*“The Delhi Agricultural Marketing Board may ensure that the traders are only indulging in the trade for which they are being provided the premises i. e. sale of livestock (live poultry & fish). **Activities such as illegal slaughter must be prohibited at the premises of the market and must be carried out only in licensed slaughterhouse.**”*

**04.11.2020**

*“The Delhi Agricultural Marketing Board may ensure that the traders are only indulging in the trade for which they are being provided the premises i.e. sale of livestock (live poultry). **Activities such as illegal slaughter must be prohibited at the premises of the market and must be carried out only in licensed slaughter house.** Violators should be prosecuted in accordance with law.”*

3. *Further, the Hon'ble Supreme Court vide order dated 17.02.2017 in Common Cause, A Regd. Society v. Union of India & Ors. W.P. (C) No. 330/2001 directed publication of compendium prepared by the Central Government about standards to be followed for disposal of animal waste and slaughtering.*

4. *The appellant has also referred to order of the Delhi High Court dated 24.09.2018 in W.P. (C) No. 1214/2018 Gauri Mulekhi vs. Delhi Agricultural Marketing Board, as follows:-*

*“(...) we have no other option, but to direct that in the area in question namely the Ghazipur Murga Mandi, no slaughtering of birds would be permitted henceforth. The respondents are granted liberty to work out a system to bring into place or establish a proper market in the area after complying with all statutory requirements, particularly the environment and*



15. As mandated by the Hon'ble Supreme Court in the aforesaid Judgments, an inspection had been conducted by the said Sub-Committee in the premises of Ghazipur Murga Mandi on 23.09.2021. **That it has come to the attention of the Applicant that illegal construction work is being carried out by ACIL under the aegis of the Respondent No.3, purportedly to construct a Poultry slaughterhouse. It further came to light that ACIL had no requisite Environmental Clearances. A copy of the Inspection Report dated 23.09.2021 conducted by State Slaughter House Monitoring Sub-Committee is attached herewith as AnnexureA-5.**

16. Despite the aforesaid Order dated 19.05.2021 and the mandate of this Hon'ble Tribunal, **ACIL, a construction company, under the guidance of the Respondent No.3, has been indulging in illegal construction work to make an unauthorized Poultry Slaughterhouse without obtaining requisite EC/ permissions .It is a matter of record that the import of the Order dated 19.05.2021 had been that till fresh consideration in light of the issues highlighted therein, the EC could not have been effected and consequently no construction could have been carried out.**

17. **It is relevant to point out that such a lawless scenario is in existence despite the fact that the Respondent No.1 had been apprised/ requested as far back as May 2021 to ensure compliance of the Order dated 19.05.2021 passed by this Hon'ble National Green Tribunal however the same has been to no avail.**

18. **Consequently, the Applicant had been constrained to send out a Representation to the Respondent Nos. 1 and 4 dated 29.10.2021 [bearing Ref. No.2910/2021] pointing out that the illegal construction work carried out was being carried out by ACIL in Ghazipur Murga Mandi, under the aegis of the Respondent No.3, in the absence of any Environmental Clearance and other requisite permissions, in utter contempt of the Order dated 19.05.2021 passed by this Hon'ble Tribunal. The copy of the Representation to the Respondent Nos.1 and 4 dated 29.10.2021 [bearing Ref. No.2910/2021] is attached herewith as AnnexureA-6."**

3. Vide order dated 16.02.2022, the Tribunal issued notice to the PP - Respondent No. 3, DAMB and the statutory regulator, Respondent No. 4, DPCC and restrained the Respondent No. 3 from going ahead with construction without any requisite operational EC/Consent and directed Respondent No. 4 to enforce this direction.

4. In pursuance of above, the DPCC has filed its response on 21.04.2022 inter-alia stating as follows:

*“6. That, a letter was received from DAMB on 08.02.2022 regarding allowing construction activity including operation of RMC Plant and grant of Consent to Establish to Poultry Market, Ghazipur on the basis of re-visit conducted by subcommittee of Expert Appraisal (Infra-2) of MoEF&CC, GOI. In its letter, DAMB attached the copy of visit Report of EAC sub-committee for Re-Examination of Environmental Clearance issued vide letter number 21-91/2020-IA-III dated 05.01.2021 for ‘Development of Modern Poultry & Egg Market’, copy enclosed as Annexure-3.*

*7. That, subsequently after receiving of letter dated 08.02.2022 from DAMB, DPCC issued a letters on 17.02.2022 & 22.03.2022 to the MoEF&CC regarding clearance of Revalidation of Environmental Clearance for construction of Modern Poultry Market, Ghazipur, Delhi, so that DPCC may initiate the process of granting CTE & CTO. However, reply from MoEF&CC in this regard is awaited. Copies of the letters dated 17.02.2022 & 22.03.2022 are enclosed herewith as Annexure —4 and 5 respectively.*

*8. That, DPCC officials have inspected the site on 16.03.2022. During the inspection, no construction activity was observed at the site.*

*9. That in compliance of the order of this Hon'ble Tribunal dated 16.02.2022, DPCC has sent email on 21.3.2022 to DM (East) and DAMB to comply with the directions in letter and spirit.*

*10. That further, DPCC has issued a letter to DM (East) on 23.03.2022 for taking appropriate action to ensure compliance of the directions of this Hon'ble Tribunal. Copy of the letter dated 23.03.2022 is enclosed herewith as Annexure-6. In response to the said letter dated 23.03.2022, the office of the DM (East) on 13.04.2022 has informed that the site was inspected by their office and found no construction at Modern Poultry & Egg Market was going on. Copy of the letter dated 13.04.2022 is enclosed herewith as Annexure-7.”*

5. As against above, the stand taken by the PP – DAMB is that the order of this Tribunal dated 19.5.2021 stands complied as the earlier EC has been revisited. Status report of MoEF&CC has been annexed as Annexure A/3 as follows:-

***“5. That in compliance of an order dated 19.05.2021 regarding revisiting the EC dated 05.01.2021, in view of this the answering respondent i.e. MoEF&CC has placed the proposal before the EAC (Infra-2) in its 72<sup>nd</sup>, 75<sup>th</sup>, 76<sup>th</sup>, 78<sup>th</sup>***

meeting held on 16.09.2021, 27-28.10.2021, 16.11.2021 and 14-15.12.2021 respectively. The deliberation made during the above mentioned meetings are as follows:

A. 72<sup>nd</sup> EAC meeting held on 16.09.2021: During the Meeting, the EAC noted that the said project was examined by the Committee in its 57<sup>th</sup> Meeting held on 25<sup>th</sup> November, 2020 and granted EC on 05.01.2021. In the aforesaid meeting, the EAC members agreed that the project was appraised only from the view point of a construction project for a market and not a slaughter house. Further, the committee was of the opinion that the EC granted to the project should be withdrawn and fresh application may be submitted by the PP by considering slaughtering activity as well. A copy of Minutes of Meeting is annexed as Annexure-3.

B. 75<sup>th</sup> EAC meeting held on 27.10.2021 and 28.10.2021: That in continuation of the earlier meeting on 16.09.2021, the EAC (Infra-2) recommended to form a sub-committee consisting of EAC members (Dr. Dipankar Saha, Dr. H.C. Sharatchandra and Dr. V.S. Naidu) along with one representative each from Central Pollution Control Board (CPCB), Delhi Pollution Control Committee (DPCC) and the Ministry of Environment, Forest & Climate Change (MoEF&CC) to carry out site visit and re-examine the EC issued to the project by considering slaughtering activity, before arriving at a decision. A copy of Minutes of Meeting is annexed as Annexure-4.

C. 76<sup>th</sup> EAC meeting held on 16.11.2021: During the meeting, it was proposed to conduct the site visit by the sub-committee on 25-26.11.2021 (A copy of Minutes of Meeting is annexed as Annexure-5) on the major issues raised in the appeal i.e.

i. Slaughtering of animals and processing of meat cannot be at the same place where marketing is done.

ii. The project has not been appraised as an integral one considering the environment impact assessment of slaughtering activity.

In view of this, as decided by the EAC the sub-committee visited the project in question at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi on 25.11.2021. During the site visit the committee has made a certain observations:

i) The project site is located in the existing poultry and egg market. However, the construction site was barricaded and separated from the existing facility and maintained in good condition.

ii) The project consists of the following main components:

a. *Livestock Market Block-Trading of live poultry (under construction)*

b. *Processing Unit-Slaughtering (dressing) of poultry (under construction)*

c. *ETP unit-650 KLD capacity (operational since 2013)*

d. *Waste to Energy plant-15 TPD capacity (operational since 2020)*

iii. *The committee observed that the slaughtering activity would be carried out only in the procession unit, which is housed in a separate block. Also, only traders licensed by FSSAI for the said activity would be permitted to carry out the slaughtering. As on date, 55 shops are involved in trade of poultry and about 84 shops are licensed for slaughtering activity. The proposed project after completion will be able to accommodate about 100-120 vendors. Thus, the centralized facility will improve the environment conditions in the future.*

iv) *The proposed market would provide a modern state of the art facility with adequate provision for waste management in compliance to the directions of Hon'ble Delhi High Court Order dated 24.09.2018 in W.P.(C) No. 1214/2018, stated as follows:*

*"the respondents are granted liberty to work out a system to bring into place or establishing a proper market in the area after complying with all the statutory, requirements, particularly the environment and pollution level, and on consideration of the same we would consider the question of permitting operation at slaughter house for poultry in the area in question."*

**Discussion on the site visit findings:**

i) *The EAC sub-committee noted that the slaughtering/ processing of poultry is proposed to be carried out in processing building, which is well separated from the building proposed for marketing trade of live poultry.*

ii) *The ETP of 625 KLD capacity and WTE plant of 15 TPD capacities were found to be operational at site and were found to be satisfactory. The committee was also of the opinion that in environmental aspects of the project have been considered by the EAC in its 75<sup>th</sup> meeting held on 25<sup>th</sup> November, 2020 and specific conditions pertaining to environment management were recommended in the EC issued on 05.01.2021.*

iii) The committee also noted that the said project was appraised for EC under item 8(a) of the EIA notification, 2006 and its subsequent amendments which pertains to building and construction projects with build-up area  $\geq$  20,000 sqm and  $<$ 1,50,000 sqm. It was noted that, there is no separate provision under EIA notification, 2006 and its amendments for slaughtering activity. As per the provisions of said notification, the project does not require an EIA report and accordingly the project was appraised on the basis of submitted Form-I, Form-1A and Conceptual Plan.

**Recommendation based on the site visit:**

Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.2021 in appeal no. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integral facility which would greatly improve the existing marked in terms of environment management as well as hygiene and aesthetic condition of the area. As such, committee recommended that the EC granted to the project vide letter no. 21-91/2020-IA-II dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management. A copy of the site visit is annexed as Annexure-6.

D. 78<sup>th</sup> EAC meeting held on 14-15.12.2021: During the meeting EAC (Infra-2) discussed the report of the site visit conducted by the duly constituted EAC sub-committee during 25-26<sup>th</sup> November, 2021 to the project location of the Modern Poultry & Egg Market at Ghazipur, Delhi. After detailed discussions held on all issues, the committee expressed concurrence with the findings in the site visit report and recommended it for submission to the Ministry. A copy of Minutes of Meeting is annexed as Annexure-7.

6. It is pertinent to mention that in compliance of order passed by the Hon'ble Tribunal and observations made by the sub committee, it is humbly submitted that the project in question was appraised for EC under item 8(a) of the EIA notification, 2006 and its subsequent amendments which pertains to building construction projects with build-up area  $\geq$  20,000 sqm and  $<$ 1,50,000 sqm, as there is no separate provision under EIA notification, 2006 and its amendments for slaughtering activity. Hence, as per the provisions of said notification, the project does not require an EIA report and accordingly the project was appraised on the basis of submitted Form-I, Form-1A and Conceptual Plan.

Further, as per the sub-committee report, it is also submitted that the proposed modern poultry and egg market is an integrated facility, which would greatly improve the existing market in terms of environmental management as well as hygiene and aesthetic condition of the proposed location.

***In addition, it is submitted that the environmental aspects of animal waste management was also considered by the committee while granting EC to the PP on 05.01.2021.”***

6. PP has also relied upon deliberation of EAC dated 25-26, November, 2021. Recommendations of the EAC is as follows:-

**“5. Recommendation**

***Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon’ble NGT order dated 19.05.2021 in appeal no. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market in terms of environment management as well as hygiene and aesthetic condition of the area. As such, the committee recommended that the EC granted to the project vide letter no. 21-91/2020-IA-III dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management.”***

7. From the above, it is seen that according to the PP, the EC has been granted after complying with the directions of this Tribunal. It is further stated that the PP has not proceeded further in absence of requisite CTE/CTO which has to be granted by the DPCC, only after EC is produced. Learned Counsel for the Applicant however submits that the EC is not available and if PP proceeds further, the Applicant will be without remedy to take remedies.

8. In view of the stand of the PP and the DPCC that the PP cannot proceed without producing the EC and without requisite CTE and CTO, we are of the opinion that as far as this application is concerned, no further order is required. However, the Applicant is free to take remedies against the EC or consents, if granted. It is made clear that DPCC is at liberty to independently consider the issue of consents, as per law.

The application is disposed of.

Adarsh Kumar Goel, CP

Dinesh Kumar Singh, JM

Prof. A. Senthil Vel, EM

Dr. Vijay Kulkarni, EM

April 22, 2022  
Original Application No. 40/2022  
A

**520****Reply on Behalf of MoEFCC In Case of GAURI MAULEKHI vs UOI & Anr in OA No 879 of 2022**

Pratyaksh Gupta &lt;lawquery89@hotmail.com&gt;

Tue 3/21/2023 3:27 PM

To: eshadutta7@gmail.com &lt;eshadutta7@gmail.com&gt;

 1 attachments (2 MB)

OA No. 879 of 2022.pdf;

Hi!!

Mr/Ms Esha Dutta

PFA, reply for and on behalf of MoEFCC (Respondent No.1) in OA No. 879 of 2022 titled as GAURI MAULEKHI vs UOI & Anr

Kindly acknowledge the receipt of present email

**Thanks & Regards:-****Pratyaksh Gupta****(Standing Counsel-Delhi High Court)****(Central Board of Direct Taxes - Ministry of Finance)**

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**521**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**Legal Monitoring Cell**

Date: 26/12/2022

**Subject: Engagement of Panel Counsel**

Respected Sir,

Shri Pratyakash Gupta (9911780606, 9911770606 & [lawquery89@hotmail.com](mailto:lawquery89@hotmail.com),  
[gupta.pratyaksh89@gmail.com](mailto:gupta.pratyaksh89@gmail.com))

You are engaged to appear and conduct the case mentioned below for all purposes on behalf of this Ministry till the disposal of the case or expiry of your term of engagement or until further orders, whichever is earlier.

2. Details of the case are as follows:-

Court: NGT (PB), New Delhi

Case No.: OA No. 879/2022

Title of the Case: Gauri Maulekhi Vs. UOI & Ors.

Concerned Division of the Ministry: IA-Policy

Name and contact of the Divisional Head: JS (SKB) & 011-20819398

Email ID: [sujit.baju@gov.in](mailto:sujit.baju@gov.in)

Name and contact of the dealing Associate (Legal): Ms. Sharmishtha Shukla

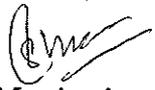
Ph. No. 9873991285

Email ID: [ssmishtha@gmail.com](mailto:ssmishtha@gmail.com)

Next Date of hearing: 10/01/2023

3. **This engagement is subject to the following conditions:-**

- i. The engagement is governed by O.M. No. 17(21)/2020-PL/NGT Dated 22.08.2022, and O.M. No. 17(21)/2017-PL/NGT on dated 01.12.2017, 07/02/2019 and 04/05/2020, Policy and Law Division, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, New Delhi read with relevant circulars/instructions issued by this Ministry from time to time.
- ii. In case you are unable to attend the case for some reason, sufficient advance intimation should be given to the concerned Division.
- iii. To return the brief on expiry of your term/disposal of the case to the Ministry of Environment, Forest and Climate Change, or till further orders.
- iv. To intimate the Ministry the progress of the case regularly including obtaining and forwarding certified copy of the Order/Judgement to the concerned Division whenever necessary.
- v. To appear on behalf of this Ministry in person, and **not through a junior counsel** in the matters marked to you.
- vi. The engagement is acknowledged.

  
**(Legal Monitoring Cell)**  
**MoEF&CC, New Delhi**

द्विधिक निगरानी प्रकोष्ठ  
 Legal Monitoring Cell  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
 Min. of Environment, Forest and Climate Change  
 भारत सरकार, नई दिल्ली  
 Govt. of India, New Delhi