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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 623 OF 2024**

**IN THE MATTER OF:**

Ajay Kumar Singh

...Applicant

Versus

State Level Environmental Impact Assessment  
Authority, Uttar Pradesh & Ors.

...Respondents

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Place: New Delhi

Date: 21.02.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
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**REPLY ON BEHALF OF RESPONDENT NO. 13 SATHARIYA  
INDUSTRIAL DEVELOPMENT AUTHORITY**

**MOST RESPECTFULLY SHOWETH**

1. The present reply is being filed by the Respondent no. 13 in compliance of the order dated 18.11.2024 passed by this Hon'ble Tribunal in the present O.A. No. 623/2024.
2. The Answering Respondent denies the contents, allegations and averments against the Answering Respondent in the aforementioned Original Application save and except what has been specifically admitted in the reply hereinbelow. The Answering Respondent is filing the present reply without filing the para wise reply and craves leave of this Hon'ble Tribunal to file a further detailed affidavit, if so required or as directed by this Hon'ble Tribunal.
3. At the very outset, it is most humbly submitted that from a bare perusal of the OA, it is apparent that no relief has been sought qua the Answering Respondent vis-a vis the allotment of the subject plot and therefore the name of Answering Respondent is liable to

be deleted from the array of parties. The specious allegations of the allotment of subject land for the purpose of establishment of CBWTF facility being in contravention of rules is completely false, baseless and denied.

4. The present Original Application filed on 15.05.2024, is per se not maintainable being barred by limitation. The Applicant has preferred the present Original Application under Section 14, 15, and 18(1) of the National Green Tribunal Act, 2010 *inter alia* challenging the CTE dated 16.03.2023 and the EC dated 10.11.2023. However, as per Section 14 (3) the limitation period is stipulated as six months. Thus, the subject Application has been filed beyond the limitation period of six months and is liable to be dismissed on this short ground alone. It is also pertinent to note that as per Section 16(h) of the National Green Tribunal Act, 2010 the grant of EC can be challenged by way of an Appeal before this Hon'ble Tribunal within a period of thirty days from the date of grant EC.
5. The Answering Respondent, Sathariya Industrial Development Authority (SIDA), was established in 1994 by the Govt. of Uttar Pradesh, under U.P. Industrial Area Development Act, 1976 to facilitate concentrated effort on Industrial development of eastern Uttar Pradesh. The subject Plot No. C-20 was handed over by Uttar Pradesh Industrial Development Authority (UPSIDA) to the SIDA in 1997.
6. The Answering Respondent allotted Plot No. C-20 vide letter bearing Ref. No. 684(1) dated 21.01.2023 to the Respondent no. 2 for setting up Common Bio-Medical Waste Treatment and Disposal Facility (CBWTF). A Common Bio-Medical Waste Treatment and Disposal Facility (CBWTF) is set up where bio-medical waste,

generated from a number of healthcare units, will be suitably treated as per the prescribed procedure & norms laid down in the extant rules and regulations. CBWTFs are classified as Red special category projects as these are parts of pollution control facilities and being a pollution control facility, it is the purpose of a CBWTF to treat the hazardous Bio-medical waste which is generated by the healthcare units, and not to generate hazardous waste.

7. The subject allotment of plot by the Answering Respondent to Respondent No. 2 for setting up of CBWTF has been done as per the Operating Manual of UPSIDA. The relevant clauses of the allotment letter dated 21.01.2023 are being enumerated hereinbelow:

*“10. (a) You will obey and submit to the rules of Municipal or other authority now existing or hereafter to exist so far as the same relate to the immovable property in the Industrial Area or so far as they affect the health, safety and convenience of the others inhabitants of the place, and will not release any obnoxious gaseous, liquid or solid effluents from the unit in any case.*

*(b) You will establish at your own cost an appropriate and efficient effluent treatment system and plant and will ensure that it is ready and functional as per the norms and specifications expected laid down or stipulated by the State Effluent Board/U.P. Pollution Control Board and any other authority established by law for the time being in force before the production is commenced in the unit set up on the plot of land covered by this letter.*

*16. You shall not employ in the unit any process generating smoke or fumes or involving use of chimney and any use of fossil fuel in the process which may cause atmospheric pollution and/ or would not discharge liquid effluent which may be obnoxious by nature or cause pollution. Your unit*

*should not involve any significant emission of particles and/or gaseous substance in the air.*

*24. It will be your sole responsibility to get NOC from UPPCB and if it is not furnished to this authority, you will be liable for action according to law and S.I.D.A would not be responsible for any of your act or omission which may be in contravention to the U.P Pollution Control Board rules environment laws.*

*28. After possession of the plot is taken and before approval of building plan you shall have to plant 58 no. of trees on your plot.”*

Thus, in terms of the specific conditions enumerated in the Allotment letter dated 21.01.2023, the allotment of the subject plot is subject to the permissions to be taken by the Respondent no. 2-Allottee from the concerned authorities.

True copy of the Allotment letter bearing Ref. No. 684(1) dated 21.01.2023 is annexed to the Original Application No. 623/2024 as Annexure A-15 @Pg. 458-466.

8. It is most humbly submitted that setting up of the subject CBWTF in a notified industrial area i.e. Sathariya Industrial Area, Sathariya, Jaunpur, U.P. is as per the Revised Guidelines for Common Bio Medical Waste Treatment Facilities. Moreover, as stated hereinabove, the allotment of land is subject to condition no. 16 enumerated above *inter alia* stipulating that the unit '*should not involve any significant emission of particles and/or gaseous substance in the air.*' Rule 17 of the Bio-Medical Waste (Management and Handling) Rules, 1998 *inter alia* states:

*17. Site for common bio-medical waste treatment and disposal facility.-*

*(1) Without prejudice to rule 5 of these rules, the department in the business allocation of land assignment shall be responsible for providing suitable site for setting up of common biomedical waste treatment and disposal facility in the State Government or Union territory Administration.*

*(2) The selection of site for setting up of such facility shall be made in consultation with the prescribed authority, other stakeholders and in accordance with guidelines published by the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board.”*

9. As per the standard environmental clearance conditions prescribed by the MoEF&CC, the project proponent (Respondent no. 2 herein) shall obtain Consent to Establish under the provisions of Air (Prevention and control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/Committee. The Consent to Establish (CTE) permission has been granted by the U.P. Pollution Control Board vide letter dated 16.03.2023. True copy of the Consent to Establish (CTE) issued to Respondent no. 2 vide letter dated 16.03.2023 is annexed to the Original Application No. 623/2024 as Annexure A-3 @Pg. 106-110.
10. The CPCB guidelines for CBWTF stipulates that prior to allow any new CBWTF, SPCB/ PCC is required to conduct gap analysis with respect to coverage area of biomedical waste generation, its projection over a period of next ten years and adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 Km. Further, to adopt uniform procedure while conducting gap analysis, CPCB has prepared methodology to conduct gap analysis with respect to generation and treatment of biomedical waste and

circulated the same to all SPCB/ PCCs vide letter dated 10.10.2023 which is annexed to the Reply dated 16.11.2024 filed by the CPCB as Annexure V @Pg. 1077-1079. As per the Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste issued by CPCB, the gap between existing treatment capacity and need of additional treatment capacity should be examined after carrying out gap analysis at coverage area/city level and State level. It further stated that the coverage area of a CBWTF is 'upto 75 km'. The aforesaid consent for establishment was issued in terms of the Gap Analysis conducted by UPPCB, which has been communicated to the Respondent no. 2/ Allottee vide letter dated 30.08.2023, wherein it has been *inter alia* stated:

*“It is to be informed that within 75 Km radial distance from the proposed site of the referred CBWTF, 03 CBWTFs viz. M/s Sangam Mediserv, Handiya, Prayagraj, M/s Ferribuild Hard (India) Pvt. Ltd., 83A, Maheba Puravpatti, Naini Prayagraj and M/s Royal Pollution Control Services, Sultanpur, are operational and the total capacity of incinerator in all the said CBWTFs is 600 Kg/hr.*

*Therefore, let us assume that the operation of incinerator in CBWTF is 12 hours / day, 250 grams of biomedical waste is generated per bed and 80% of biomedical waste generated is incinerable waste, then in that case, for the total waste generated i.e. 10275.5 kg / day, incinerable waste being 8220.4 kg / day, a maximum of 7200 kg / day of incinerable waste can be disposed of by all the CBWTFs mentioned above and for disposal of the remaining waste i.e. 1020.4 kg / day, additional CBWTFs will be required.”*

True copy of letter dated 30.08.2023 issued by the UPPCB to the Respondent no. 2 Allottee is annexed to the Reply dated 14.11.2024 filed on behalf of Respondent no. 2 as Annexure R/9 @Pg. 343.

11. The CBWTF facility has been granted Environmental Clearance (EC) by the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh vide letter dated 10.11.2023 falling under Category B-1, schedule 7(da) as per the EIA Notification dated 14.09.2006 and subsequent amendments dated 01.12.2009 and 17.04.2015. (EC granted by SEIAA vide letter dated 10.11.2023 annexed to the to the Original Application No. 623/2024 as Annexure A-1 @Pg. 72-80). It is most humbly submitted that the subject CBWTF facility conforms to all the guidelines prescribed under the Revised Guidelines for Common Bio-Medical Waste Treatment Facilities.
12. The Respondent No. 2 has set up CBWTF on the allotted land at Plot C-20, SIDA i.e. over an area of 5794.00 sq mtrs. The Respondent no. 2 applied for Consent to Operate (CTO) the CBWTF facility through the Nivesh Mitra Portal vide Application No. 2827884 dated 20.09.2024 as stated in para no. 5. B. (iv) of the Response Affidavit filed by UPPCB dated 14.11.2024 and which has been granted by UPPCB.
13. The present affidavit is being filed without filing any parawise reply to the OA and dealing with the contentions/allegations raised qua the Answering Respondent. It is most humbly prayed that the Answering Respondent be permitted to file detailed further affidavit if so required and as directed by this Hon'ble Tribunal.
14. In light of the aforesaid submissions, it is most humbly prayed that the present Original Application is liable to be dismissed qua the Answering Respondent with costs.

**1362**



**RESPONDENT NO.13  
SATHARIYA  
INDUSTRIAL  
DEVELOPMENT  
AUTHORITY**

**THROUGH**



**MS. RUCHIRA GUPTA,  
COUNSEL FOR R-13  
D-25, SECOND FLOOR,  
JANGPURA  
EXTENSION,  
DELHI-110014.**

**Place: New Delhi**

**Date: 21.02.2025**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
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Ajay Kumar Singh

Versus

...Applicant

State Level Environmental Impact Assessment  
Authority, Uttar Pradesh & Ors.

...Respondents

**AFFIDAVIT**

I, Mr. Sanju Upadhyaya, S/o Ramesh Kumar Upadhyaya, aged about 59 years, R/o 1/54, Chiranjeev Vihar, Ghaziabad, do hereby on solemn affirmation state as under:

1. That I am presently posted as Manager (General & Administration) at Sathariya Industrial Development Authority and being the duly Authorized Representative of the Respondent no. 13 in the subject matter and being well conversant with the facts and circumstances of the present case and as such am competent to depose by way of this affidavit.
2. That I have gone through the contents of the accompanying reply to the OA which has been filed as per my instructions. The contents are true and correct to the best of my knowledge and belief as derived from the records and no part thereof is false and nothing material has been concealed therefrom.
3. That the annexures are true copies of their respective originals.




*Sanju Upadhyaya*

**DEPONENT**

(SANJU UPADHYAYA)  
MANAGER (G&A)  
SIDA, JAUNPUR

VERIFICATION

I, the Deponent above named, do hereby verify that the content of paragraphs 1 to \_ of the above affidavit are true to my knowledge, no part of it is false, and nothing material has been concealed therefrom.

Verified at Delhi on this \_\_\_ day of \_\_\_\_\_, 25 

17 FEB 2025

DEPONENT

(SANJU UPADHYAY)  
MANAGER (G&A)  
SIDA, JAUNPUR

IDENTIFIED

ATTESTED  
NOTARY PUBLIC DELHI  
Govt. of India  
Mob: 955768498



**1365**

Amit Kumar &lt;amitkumar@chambersofrg.com&gt;

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**ADVANCE SERVICE OF REPLY ON BEHALF OF RESPONDENT NO. 13 SATHARIA INDUSTRIAL DEVELOPMENT AUTHORITY**

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Amit Kumar &lt;amitkumar@chambersofrg.com&gt;

21 February 2025 at 16:30

To: "balram@alliancelawgroup.in" &lt;balram@alliancelawgroup.in&gt;, "sthaviasthana@gmail.com" &lt;sthaviasthana@gmail.com&gt;, deva.s.shukla@outlook.com

Dear All,

Kindly find attached the copy of Reply filed on behalf of Satharia Industrial Development Authority.

Please treat this email as valid service and kindly acknowledge receipt.

Regards,  
Amit Kumar, Advocate**CHAMBERS of**  
**Ruchira Gupta**D-25, Second Floor, Jangpura Extension,  
New Delhi - 110014 L 011-43562646**Final Reply SIDA with Affidavit 21.02.2025.pdf**  
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