

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 1141 OF 2024

IN THE MATTER OF:

AMRESH SINGH

Applicant

VERSUS

STATE OF UTTAR PRADESH AND

ORS

Respondents


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Filed by:



ANUJ BHANDARI

Advocate

On behalf of Central Pollution Control Board

i-34, LGF

Jangpura Extension

New Delhi – 110014

9873722187

Place: Delhi

Date: 29.01.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 1141 OF 2024**

In the matter of:

Amresh Singh

Applicant

Vs.

State of Uttar Pradesh & Ors.

Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4 i.e. CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

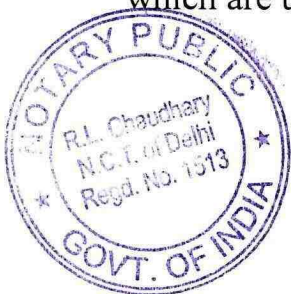
1. That Hon'ble NGT vide Order dated 08.01.2025 and Notice dated 16.01.2025 impleaded the Central Pollution Control Board (hereinafter referred as CPCB) as Respondent No. 04 in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That at the very outset, the Answering Respondent deny all claims, contentions, allegations and averments against Answering Respondent i.e. CPCB in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial, save and except any averment which has been expressly admitted hereinafter.



3. That, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
4. That the Original Application is based on the letter of the Applicant dated 17.01.2024 addressed to Uttar Pradesh Pollution Control Board (hereafter will be referred as UPPCB). The said letter is related to complaint against Common Biomedical Waste Treatment Facility (hereafter will be referred as “CBWTF”) installed by M/s Medical Pollution Control Committee (MPCC), D-33, UPSIDC Industrial Area, Khalilabad, Uttar Pradesh wherein it is alleged that the M/s MPCC, Khalilabad, UP, has installed new incinerator and new chimney without obtaining Environmental Clearance from State Environment Impact Assessment Authority (hereafter will be referred as “SEIAA”) and Consent to Establish from UPPCB and is violating norms and guidelines.

In the said letter, the Applicant requested UPPCB to reject renewal of Consent to Operate and take necessary legal action against M/s MPCC, Khalilabad, UP.

The Applicant also mentioned about the proceedings of Hon'ble Supreme Court in the matter of Writ Petition (Civil) No. 1394/2023 dated 02.01.2024 and Office Memorandum dated 08.01.2024 passed by Ministry of Environment, Forest & Climate Change (hereafter will be referred as MoEF &CC) whereby stay has been granted on grant of Environment Clearance to all the projects which are under violation.



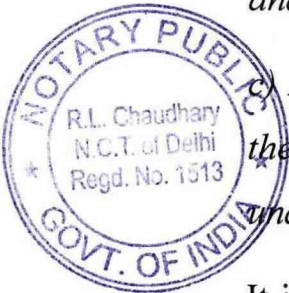
In this regard, it is humbly submitted that as per MoEF & CC Notification S.O. 1142 (E) dated April 17, 2015 regarding amendment Environmental Impact Assessment Notification, 2006, 'bio-medical waste treatment facility' is categorized under the Item 7(da) in the schedule and therefore CBWTF operator is required to obtain 'Environmental Clearance' from the SEIAA or MoEF & CC, as the case may be, before any construction work, or preparation of land by the projects management, which include the following:

"a) All new projects or activities pertaining to the bio-medical waste treatment facility; and

b) Expansion and modernization with additional treatment capacity of existing bio-medical waste treatment facility (excluding augmentation of incineration facility for compliance to the residence time as well as Dioxins and Furans without enhancing the existing treatment capacity).

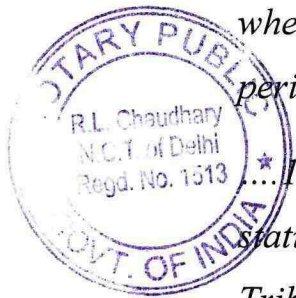
Any expansion or modification in the treatment capacity or relocation of the existing CBWTF requires compliance to the relevant provisions notified under the Environment (Protection) Act, 1986 by the MoEF & CC."

It is also to submit that as per Bio Medical Waste Management Rules, 2016 as well as CPCB guidelines for CBWTFs, the CBWTF operator is required to obtain 'Consent to Establishment' under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981 and authorization under Biomedical Waste Management Rules, 2016 from the respective prescribed authority i.e. State Pollution Control Board/Pollution Control Committee (hereafter will be referred as SPCB/PCC) prior to commencement of the CBWTF.



5. That in the order dated 19.11.2024 passed by Hon'ble NGT in this matter, a Joint Committee comprising of UPPCB and District Magistrate, Sant Kabir Nagar was constituted by Hon'ble NGT for verification of allegations of non-Environment Impact Assessment Notification dated 14.09.2006. Further, Hon'ble NGT in its order dated 08.01.2025 mentioned about the submission of report filed by the Joint Committee and directed the following:

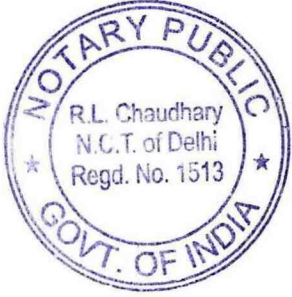
“4..... We have gone through the report and we find that relevant issues have not been addressed by the Joint Committee. The Joint Committee has not mentioned in the report as to when CBWTF was setup, whether the same required/obtained any EC, what was the Bio-medical Waste Treatment Capacity of the CBWTF and its coverage area at the time of being set up, whether the same was expanded at any subsequent time and when for which period and in respect of which area CTO was granted by UPPCB....”



....10 UPPCB is directed to file response in this case mentioning compliance status regarding compliance with above mentioned direction given by this Tribunal in the above mentioned case and also in respect of the aspects highlighted in para no. 4 above.”

In this regard, it is to humbly submit that as per Environmental Impact Assessment Notification dated 17.04.2015, every CBWTF is required to obtain Environmental Clearance in case of new project or activities, modernization/augmentation with additional treatment capacity or relocation of the existing CBWTF. CPCB vide letter dated 04.06.2015 forwarded the said notification to all State Pollution Control Boards/ Pollution Control Committees for ensuring compliance to the said notification. Copy of CPCB letter dated 04.06.2015 is attached here as **Annexure-I**.

6. That, the answering Respondent No. 4 craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.
7. That, in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e. CPCB shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



A handwritten signature in black ink, appearing to be "Vijay Prakash Yadav".

(Vijay Prakash Yadav)
Scientist 'F'
Central Pollution Control Board

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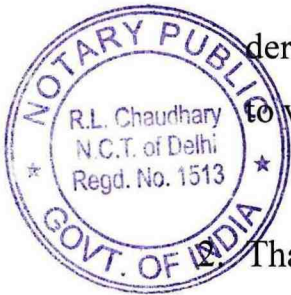
AFFIDAVIT

I, **Vijay Prakash Yadav** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 4 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

That the accompanying reply may be read part and parcel of the present affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available



records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT

विजय प्रकाश यादव / Vijay Prakash Yadav
निदेशक/ Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at New Delhi on this day of 29 JAN 2025 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.

ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

29 JAN 2025

DEPONENT

विजय प्रकाश यादव / Vijay Prakash Yadav
निदेशक/ Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Speed Post

F.No.B-31011/BMW(50)/2015/HWMD/
To

June 04, 2015


Member Secretary,
SPCBs/PCCs (As per the list enclosed)Sub.: Amendment to the EIA Notification 2006 issued by MoEF & CC vide Notification
Published dated April 30, 2015 – Requirement of Environmental Clearance for
Bio-medical Waste Treatment Facilities - reg.

Sir/Madam,

The Undersigned is directed to inform that the Ministry of Environment, Forests and Climate Change (MoEF & CC) has made amendment to the EIA Notification of S.O. 1533 (E) dated 14.09.2006 and published vide MoEF Notification of S.O. 1142 (E) dated April 14, 2015 regarding requirement of environmental clearance for bio-medical waste treatment facilities under the Item 7 (da). A copy of the afore-said notification is enclosed for kind information and ready reference.

It is requested to take further action by your State Pollution Control Board (SPCB) / Pollution Control Committee (PCC) for ensuring compliance to the afore-said notification

Yours faithfully,


 [B.Vinod Babu]
 AD & I/c HWMD

Encl.: As above

Copy to:

- | | | | |
|------|-----------------------|---|------------------------------------|
| (i) | Zonal Offices of CPCB | : | For kind information and record pl |
| (ii) | PS to MS, CPCB | : | For kind information of 'MS' pl. |


 [B.Vinod Babu]

केंद्रीय प्रदूषण नियंत्रण बोर्ड
 निर्गत.....
 दिनांक.....

08/06/15

Proof of Service

(no subject)

1 message

dhanenjay Pandey <dpandey8376@gmail.com>

Wed, Jan 29, 2025 at 2:16 PM

To: dms*n@nic.in, roc*****f@nic.in, ms@uppcb.in, msc*****b@nic.in



Reply in 1141 of 2024.pdf

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