

**BEFORE THE NATIONAL GREEN TRIBUNAL,
NEW DELHI (COURT-II)**

ORIGINAL APPLICATION NO.551 OF 2022

IN THE MATTER OF:

DR. ASHOK KUMAR

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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**REPLY BY AND ON BEHALF OF THE RESPONDENT NO.4 TO THE
ORIGINAL APPLICATION ALONG WITH SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

1. The present Reply is being filed by and on behalf of the Respondent No.4 filed on behalf of the Petitioner and number by the Hon'ble Tribunal as Original Application No.551 of 2022 seeking initiation of action against the Respondent No.4 for causing continuous pollution being generated round the clock by operating Rodi/Bajri mixture plant. The present Reply has been signed by Pankaj Tomar on behalf of the Respondent, who is duly atherosed to sign and verify the present Reply on behalf of the Respondent by virtue of the Board Resolution dated 7.01.2023. The copy of Board Resolution dated 7.1.23 is annexed herewith as **Annexure-R1**
2. That at the outset, the answering Respondent denies all the averments, contentions and submissions made in the Application under reply, insofar as they are inconsistent with the submissions and averments made herein as if they are specifically traversed and denied.

3. That is submitted that the on 12.12.2022 the Respondent No.4 has closed the operations of the Rodi/Bajri plant/unit and will discontinue the plant. It is submitted that no further productions will take place in the plant. That Regional Officer, Uttar Pradesh Pollution Control Board (UPPCB), Greater Noida, closure order has been passed against the production unit by competent Authority of UPPCB, Lucknow vide letter dated 12.12.2022. The copy of order dated 12.12.2022 passed Competent Authority of UPPCB, Lucknow is annexed herewith as **Annexure-R2**.
4. That in complainance of closure order letter was sent to Noida Power Corporation Ltd., Regional Office, Greater Noida to disconnect power supply of the unit by the competent authority of UPPCB, Lucknow. That the Respondent being a poor person is not able to operate the unit due to loss in business and due to sealing of unit/plant machinery and tube wells required to operate the unit vide order dated 12.12.2022 of UPPCB.
5. That a bare perusal of the complaint on which the Hon'ble Tribunal took cognizance clearly demonstrates that other than giving vague details of surroundings near the society and near plant, the complainant has failed to outline the true facts and circumstances. It is submitted that the area concern is a rapidly developing area and thus, major construction work is also a reason for pollution near society apart from the unit operated by the answering respondent.
6. It is submitted that the Petitioner has not set out the true and corrects and has attempted to distort the same and mislead the Hon'ble Tribunal. The Respondent craves leave to elaborate upon the facts and set out such further facts and make such further submissions, as it may deem fit appropriate.
7. The Application under the reply is may be disposed as the answering Respondent has closed the unit and there would not be any activities which would cause pollution in future.

BRIEF FACTS

8. That one Dr. Ashok; Kumar, President Saampooranam Apartment Owner Association sent the present letter petition by email, which is treated and registered as original application. The applicant submitted that their society 'EROS Sampooranam', which is situated at Sector-2 Greater Noida West, District Gautam Budh Nagar, Uttar Pradesh is surrounded by illegal Rodi/Bajri mixture plants from which continuous pollution is generated round the clock. The dumpers/trucks plying on service lanes are not only causing air and noise pollution but are also creating grave risk of accidents. The copy of mail dated 29.04.2022 is annexed herewith as **Annexure-R3**.
9. That the Hon'ble Tribunal vide order dated 06.09.2022, this Tribunal constituted a Joint Committee comprising Uttar Pradesh Pollution Control Board (UPPCB), District Magistrate, Gautam Bhudhnagar and directed the same to submit its report within one month. The copy of order dated 06.09.2022 is annexed herewith as **Annexure-R4**.
10. That Regional Officer, UPPCB. Greater Noida vide letter dated 19.10.2022 sent recommendation to ACEO, GNIDA (Greater Noida Development Authority) for imposing of Environmental Compensation of Rs. 1,00,000/- (One lakh) against Respondent No.4. GNIDA further has imposed EC of Rs. 1.0 Lakh against said unit, letter dated 31.10.2022 copy of same is annexed as **Annexure-R5**.
11. That while inspection was carried out by officials of UPPCB on 21.11.2022 and they further asked the unit to file reply. Reply submitted by unit was found not satisfactory, and recommendation to take action under section 31A of the Air (Prevention and Control of Pollution), 1981

against unit was sent to Head Office, UPPCB, Lucknow by Regional Officer, UPPCB, Greater Noida vide letter dated 23.11.2022.

12. That report of the Joint Committee has been submitted by the Regional Officer, UPPCB vide email dated 13.12.2022. that the action taken by the Joint Committee is reiterated below:

Action taken by the Joint Committee:

- *In compliance of Hon'ble Tribunal's orders dated 06.09.2022, Joint inspection of unit was carried out on dated 15.10.2022 in the presence of complainant by the Joint Committee comprising of following officials:*

- a. *Smt. Komal Panwar, Sub Divisional Magistrate (Judicial), Tehsil-Dadri, District-Gautambuddh Nagar.*

- b. *Shri Ranjeet Singh, AEE, U.P. Pollution Control Board, Greater Noida.*

- c. *Shri Vivek Kumar, Junior Engineer, UP. Pollution Control Board, Greater Noida*

- *During inspection, it was informed by the complainant to the Joint Committee that 01 illegal sand washing unit is operating near the Group housing society M/s Eros Sampooranam Apartment, which is the residence of complainant. The Joint Committee in presence of complainant visited the said unit. Main observation of the Joint Committee are as follows:*

1. *Unit is operational as M/s PMSS Building Material Put. Ltd., Khasra no.663, Vill. - Patwari, 130-meter road, near Eros Sampooranam society, Greater Noida west, Gautambuddh Nagar.*

2. *Unit is situated approx. 400 meter towards west side of group housing project Eros Sampooranam society.*

3. *Unit is engaged in separation of sand from clay by washing of clay through rotary washer. Impurity in form of soil slurry is separated*

through settling tank, which is being used for land filling in low line areas.

Final product (sand) is being sold out to building material suppliers.

4. It was found that unit has not covered sand/ clay and loading/ unloading dumpers by green net and no provision has been provided for water sprinkling to suppress dust in premises.

5. It was found that Unit has not provided wind breaking wall to control fugitive emissions.

6. It was found that unit has not obtained permission (Consent to establish and Consent to operate) from U.P. Pollution Control Board and NOC from U.P. Ground Water Department.

- In view of above shortcomings observed by the Joint Committee, Regional Officer, UPPCB, Greater Noida (nodal agency) issued notice to the said unit, vide letter dated 19.10.2022 copy of same is annexed as (Annexure-1.

- In continuation of above, Regional Officer, UPPCB, Greater Noida vide letter dated 19.10.2022 sent recommendation to ACEO, GNIDA Greater Noida Development Authority) for imposing of Environmental Compensation of Rs. 1,00,000/- One lakh) against said unit. GNIDA vide has imposed EC of Rs. 1.0 Lakh against said unit, letter dated 31.10.2022 copy of same is annexed as (Annexure-2.)

- In compliance of notice dated 19.10.2022, unit has submitted its representation on dated 19.11.2022 regarding shortcomings found during inspection, copy of same is annexed as (Annexure-3.)

- In view of reply submitted by the unit, a fresh inspection was carried out by officials of UPPCB on dated 21.11.2022. During inspection, it was found that unit has covered sand/ clay and loading/ unloading dumpers

by green net and provided arrangement for water sprinkling, but unit has not applied for permission from UPPCB and UPGWD. Reply submitted by unit was found not satisfactory, and recommendation to take action under section 31A of the Air (Prevention and Control of Pollution), 1981 against unit was sent to Head Office, UPPCB, Lucknow by Regional Officer, UPPCB, Greater Noida vide letter dated 23.11.2022.

- In view of recommendation sent by Regional Officer, UPPCB, Greater Noida, Closure order has been issued against the said unit by the Competent Authority of UPPCB, Lucknow vide letter dated 12.12.2022, copy of same is annexed as (Annexure-4.)

. In compliance of closure order dated 12.12.2022 issued by U.P. Pollution Control Board, Lucknow, sealing of plant machinery and 02 bore wells was done in presence of unit representative, Mr. Pankaj Tomar (Director) on dated 12.12.2022 to ensure closure of unit.

- In compliance of closure order, letter has been sent to Noida Power Corporation Ltd., Greater Noida to disconnect power supply of the said unit, copy of same is annexed as (Annexure-5.)

3. Conclusion:

In view of above, the Joint Committee observed the shortcoming as mentioned above and action has been taken by following due process of law. Report is being submitted for kind perusal and consideration please."

13. That the other Respondents have sealed the unit on 12.12.2022 and other basic amenities has also been disconnected of the Respondent No.4 from 12.12.2022 and are disconnected till date. That answering respondent i.e. company is in process of winding up the unit permanently and no further activities related rodi/bajri mixture and sand extraction will take place in

the plot. That the answering respondent has also removed the dumpers/trucks plying on service lanes. The answering respondent in order to remove the unit require the order dated 12.12.2022 passed by UPPCB to be vacated.

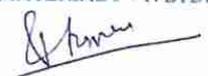
14. That the answering respondent has stopped all the activities which were alleged by the applicant in the complaint and thus, no cause of action survives qua the answering respondent. The answering respondent undertakes to not violate any provision of law which result in pollution or public inconvenience.

Prayer

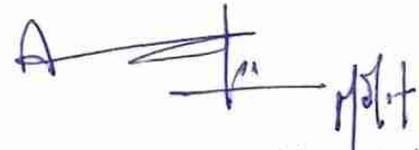
In the facts and circumstances as stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to;

- a) Dismiss the present application;
- b) Hon'ble Tribunal may be please to quash/set-aside the order dated 31.10.2022 passed by UNIDA ;
- c) Hon'ble Tribunal may be please to quash/set aside the order dated 12.12.2022 passed by UPPCB;
- d) Hon'ble Tribunal may be please to dispose the present Original Application because the answering respondent will discontinue production in the unit;
- e) Pass any order which the Hon'ble Tribunal may deem fit and proper under the facts and circumstances of present case.

For PMSS BUILDING MATERIAL PVT. LTD.


Respondent No. 4 Director

Through:

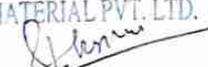


R.L.K Yadav/Mohit Yadav
Advocates
Chamber No.203, Block-III,
High Court of Delhi-110003
+91-9810980675
legalrlkyadav@gmail.com

New Delhi
Dated: 13.01.2023

VERIFICATION:

Verified at New Delhi on this the 13 day of January, 2023 that the contents of the above Complaint are true and correct to my knowledge and the legal submissions are based on legal advice received and believed to be correct.

For PMSS BUILDING MATERIAL PVT. LTD.

Respondent
Director

BEFORE THE NATIONAL GREEN TRIBUNAL,
NEW DELHI (COURT-II)

ORIGINAL APPLICATION NO.551 OF 2022

IN THE MATTER OF:

DR. ASHOK KUMAR

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

AFFIDAVIT OF MR PANKAJ TOMAR S/O HARENDER SINGH TOMER, AGED ABOUT 45 YEARS, DIRECTOR M/S. PMSS BUILDING MATERIAL PRIVATE LIMITED, KHASRA NO-663, MAIN 130 METER ROAD, NEAR SAMPURNAM VILLAGE-PATWARI, POST-BISRAKH, SECTOR-2, GAUTAM BUDH NAGAR-20130, UTTAR PRADESH PRESENTLY AT NEW DELHI,

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That I am Pankaj Tomar Director and authorized representative of the Respondent no.4 in the above mentioned case and am well conversant with the facts leading to the filing of the accompanying reply based on the records maintained by the Respondent company and am competent to swear in the present affidavit.
2. I have perused the contents of the accompanying reply and say that the contents thereof are true and correct to the best of my knowledge and information based on the records maintained by the Respondent and legal advice given by the counsel.
3. That the annexures are true copy of the originals.

For PMSS BUILDING MATERIAL PVT. LTD.

[Signature]
DEPONENT Director

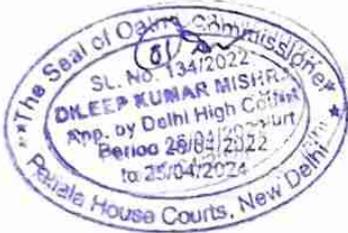
VERIFICATION:



I, the above named deponent do hereby verify that the contents of paras 1 to 3 of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed there-from.

11 33 JAN 2023

Verified at New Delhi on this _____ day of _____, 2023.



For PMSS BUILDING MATERIAL PVT. LTD.

DEPONENT

Director

CERTIFIED THAT THE DEPONENT
Sh./Smt./Mr. Sanjay Kumar Age 57
S/o, W/o, D/o Sanjay Kumar
R/o 663, Main Bazar, (Bhadrachal)
identified by Mohit Yadav (Sd/-)
has solemnly sworn before me at Delhi
on 13/01/23 at SL. NO. (A)
that the contents of the affidavit which have
been read & explained to him/her are true
& correct to his/her knowledge

11 33 JAN 2023

[Signature]
Oath Commissioner
New Delhi



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ANNEXURE-R1

PMSS BUILDING MATERIAL PRIVATE LIMITED

Building Material Supplier | Fleet Owner

CIN: U51900UP2019PTC114448

TYPE OF MEETING: BOARD MEETING
TYPE OF RESOLUTION: BOARD RESOLUTION

Certified true copy of the Resolution Passed on dated 07.01.2023 at the meeting of the Board of Directors of "PMSS Building Materials Pvt. Ltd." held at , Khasra No-663, Main 130 Meter Road, Near Sampurnam Village-Patwari, Post-Bisrakh, Sector-2, Gautam Budh Nagar-20130, Uttar Pradesh

Resolved that **Pankaj Tomar, Director**, is hereby authorized to sign, plead and represent the company before the National Green Tribunal, New Delhi in the matter of Original Application No.551 Of 2022, and protect the interest of company.

Certified to be true copy:

For PMSS Building Materials Pvt. Ltd.

For PMSS BUILDING MATERIAL PVT. LTD.

Meenu Tomar
Director
DIN:0838248


Director

Reg. Office: K.No.-663, Main 130 Meter Road, Near Eros Sampurnam, Village-
Patwari, Sector-2, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh-
201301

Email: pmss002019@gmail.com



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उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

ANNEXURE-4 12
ANNEXURE-R2

Ref No- 485449 C-1 / वायु / सा0-1120 / बन्दी आदेश / 2022

Date: 12.12.22

सेवा में,

पंजीकृत

मैसर्स पीएमएसएस बिल्डिंग मैटेरियल प्रा0लि0,
खसरा नं0-663, ग्राम पतवाड़ी, 130 मीटर रोड,
निकट इरोज सम्पूर्णम सोसाइटी,
ग्रेटर नोएडा वेस्ट, गौतमबुद्धनगर।

यह कि मैसर्स पीएमएसएस बिल्डिंग मैटेरियल प्रा0लि0, खसरा नं0-663, ग्राम पतवाड़ी, 130 मीटर रोड, निकट इरोज सम्पूर्णम सोसाइटी, ग्रेटर नोएडा वेस्ट, गौतमबुद्धनगर जो स्टोन उस्ट को रोटरी वाशर द्वारा पानी से धुलाई कर मिट्टी एवं सैण्ड को पृथक्कीकरण कार्य हेतु उपरोक्त वर्णित स्थल पर संचालित है, जिससे आगे उद्योग कहा जायेगा तथा वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-40 के अन्तर्गत एक कम्पनी है।

यह कि इकाई मैसर्स पीएमएसएस बिल्डिंग मैटेरियल प्रा0लि0, खसरा नं0-663, ग्राम पतवाड़ी, 130 मीटर रोड, निकट इरोज सम्पूर्णम सोसाइटी, ग्रेटर नोएडा वेस्ट, गौतमबुद्धनगर का निरीक्षण ओ0ए0 संख्या 551/2022 डॉ0 अशोक कुमार बनाम उ0प्र0 सरकार एवं अन्य में पारित आदेश दिनांक 20.09.2022 के अनुपालन में दिनांक 15.10.2022 एवं वर्तमान निरीक्षण दिनांक 21.11.2022 को किया गया। निरीक्षणोपरांत उक्त इकाई को क्षेत्रीय कार्यालय के पत्रांक 932/सा0-66/22 दिनांक 19.10.2022 द्वारा नोटिस प्रेषित किया गया, जिसके प्रतिउत्तर में भूगर्भ जल निष्कर्षण हेतु उ0प्र0 भूगर्भ जल विभाग से अनापत्ति प्रमाण पत्र प्राप्त किये जाने एवं राज्य बोर्ड से संचालनार्थ सहमति जल/वायु प्राप्त किये जाने हेतु आवेदन किये जाने का उल्लेख किया गया है। किन्तु इकाई के प्रतिउत्तर के साथ आवेदन की प्रति प्रेषित नहीं की गयी है और न ही ओ0सी0एम0एम0एस0 की वेबसाइट पर पेन्डिंग सूची में है। निरीक्षण के समय इकाई में जल आपूर्ति हेतु 02 नग बोरवेल (3.5 एच0पी0 एवं 1.5 एच0पी0) स्थापित पाया गया। निरीक्षण के दौरान उपस्थित प्रतिनिधि द्वारा उक्त बोरवेल से भूगर्भ जल निष्कर्षण हेतु उ0प्र0 भू-गर्भ जल विभाग द्वारा निर्गत रजिस्ट्रेशन/अनुमति उपलब्ध नहीं करायी गयी। संयुक्त निरीक्षण दिनांक 15.10.2022 में इकाई परिसर के अन्दर कच्चे माल को खुले में भण्डारित होने एवं उचित जल छिड़काव न होने के दृष्टिगत क्षेत्रीय कार्यालय के पत्रांक 932/सा0-66/22 दिनांक 19.10.2022 द्वारा ग्रेटर नोएडा औद्योगिक विकास प्राधिकरण को पर्यावरणीय क्षतिपूर्ति रू0 1,00,000/- (रू0 एक लाख मात्र) अधिरोपित किये जाने का पत्र प्रेषित किया गया है। इकाई का संचालन राज्य बोर्ड से सहमति जल एवं सहमति वायु प्राप्त किये बिना ही किया जा रहा है, जो जल एवं वायु अधिनियमों के आज्ञापक प्राविधानों का उल्लंघन है।

यह कि उपरोक्त वर्णित तथ्यों तथा उद्योग द्वारा किये जा रहे वायु प्रदूषण से जन स्वास्थ्य पर संभावित दुष्प्रभाव को दृष्टिगत रखते हुए जनहित में जनस्वास्थ्य की रक्षा एवं जन सामान्य को स्वरथ वातावरण प्रदान करने के उद्देश्य से यह आवश्यक है कि वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31-ए के अंतर्गत निहित शक्तियों के अनुसरण में आपकी औद्योगिक इकाईयों को विरुद्ध निषेधात्मक कार्यवाही करते हुए उद्योग के संचालन को रोका जाये।

[Signature]

2... / -

टी0सी0-17वीं, विन्डिंग 2278
गौतमी नगर, लखनऊ-226010
दूरभाष 2720811, 2720820, 2720801, 2720801
फैक्स 0622-2720784

Pankaj Kumar, Director
8800696719

TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow-226010
Phone: 2720811, 2720820, 2720801, 2720801
Fax: 0622-2720784

True Copy
M/17

वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 31ए के अन्तर्गत राज्य बोर्ड को प्रदत्त शक्तियों के अनुपालन में आपकी औद्योगिक इकाईयों को सक्षम अधिकारी के अनुमति से निम्नलिखित बंदी आदेश जारी किये जाते हैं:-

1. यह कि मैसर्स पीएमएसएस बिल्डिंग मैटेरियल प्रा०लि०, खसरा नं०-663, ग्राम पतवाड़ी, 130 मीटर रोड, निकट इरोज सम्पूर्णम सोसाइटी, ग्रेटर नोएडा वेस्ट, गौतमबुद्धनगर की संचालन/उत्पादन प्रक्रिया को तत्काल प्रभाव से बंद कर दिया जाये।
2. यह कि सक्षम अधिकारियों को निर्देशित किया जाता है मैसर्स पीएमएसएस बिल्डिंग मैटेरियल प्रा०लि०, खसरा नं०-663, ग्राम पतवाड़ी, 130 मीटर रोड, निकट इरोज सम्पूर्णम सोसाइटी, ग्रेटर नोएडा वेस्ट, गौतमबुद्धनगर को मिलने वाली विद्युत आपूर्ति एवं जल आपूर्ति का विच्छेदन करने के साथ-साथ अन्य सुविधाओं को तात्कालिक प्रभाव से बंद कर दिया जाए।

सक्षम अधिकारी के अनुमोदनोपरान्त।



मुख्य पर्यावरण अधिकारी (वृत्त-1)

प्रतिलिपि :-

1. जिलाधिकारी, गौतमबुद्धनगर।
2. अधिशासी अभियन्ता, उ०प्र० पावर कार्पोरेशन लि०, ग्रेटर नोएडा को इस आशय से प्रेषित की उद्योग की विद्युत आपूर्ति तत्काल विच्छेदित करने का कष्ट करे।
3. क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड, ग्रेटर नोएडा को इस निर्देश के साथ प्रेषित कि उपरोक्त निर्देश का अनुपालन सुनिश्चित कराकर अनुवर्ती कार्यवाही सहित अनुपालन आख्या ससमय मुख्यालय प्रेषित करें।



मुख्य पर्यावरण अधिकारी (वृत्त-1)



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05/05/22 29

Public Grievance

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ANNEXURE-R3

Fwd: Illegal Bajri / Rori Mixure plants and the dumpers/trucks plying on service lanes

From : Registrar General <rg.ngt@nic.in>

Fri, Apr 29, 2022 10:44 AM

Subject : Fwd: Illegal Bajri / Rori Mixure plants and the dumpers/trucks plying on service lanes

To : Public Grievance <publicgrievance-ngt@gov.in>

From: "president sampoornameaoa" <president.sampoornameaoa@gmail.com>

To: "Registrar General" <rg.ngt@nic.in>

Sent: Tuesday, April 26, 2022 1:52:40 PM

Subject: Illegal Bajri / Rori Mixure plants and the dumpers/trucks plying on service lanes

Respected Sir/Madam,

This is to bring your kind attention to repeated hazardous pollution related problems we all residents at society: EROS Sampoorname (C/O: Ajay Enterprises Pvt. Ltd) situated at Sector 2, Greater Noida West, Distt: Gautam Budh Nagar, Uttar Pradesh 203207 are exposed to since past few years and despite of a number of follow-ups with Greater Noida authority under whose jurisdiction our society falls, there has been no respite at all.

Our society is surrounded by illegal rori/bajri mixture plants from where continuous pollution is getting generated on a daily basis (round the clock) and the dumpers/trucks plying on service lanes further worsen the situation and do their part by adding more dust and pollution while residents (including children, aged persons, ladies) who are using the service lane have to struggle and face the dust particles on a daily basis. Children and their parents are most affected as during school pickup/drop timings these trucks ply at very high speed, generate a lot of smoke, dust and may lead to some accidents.

For your kind reference we're attaching the pictures along with timings and road location/GPS location.

On behalf of the Apartment Owners Association and the residents of Eros Sampoorname, we'd humbly request you to please take action on these defaulters so that children and all residents are not exposed to these pollution hazards.

Thanks and Regards

Dr Ashok Kumar

President

Sampoorname Apartment Owner Association (Reg No GBN/ 14254/2021-22)

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ग्रेंटर नौएडा औद्योगिक विकास प्राधिकरण

01, सेक्टर नौलेंज पार्क-4 ग्रेंटर नौएडा सिटी-201310
अनुसूचित मातलबुद्ध नगर (अनुसूचित प्रकल्प)

ANNEXURE-R5

पत्रांक-प्रौद्योगिक/वर्क सर्फिसल-3/2022/122

दिनांक 19.10.2022

सेवा में,

मैसर्स पी0एम0एस0एस10 बिल्डिंग गैटेरियल प्रा0 लि0
खरारा सं0- 063, ग्राम पतवाड़ी, 130मी0 रोड
निकट इरोज सम्पूर्णम सोसाइटी, ग्रेंटर नौएडा वेस्ट,
गौतमबुद्ध नगर।

विषय:- मैसर्स पी0एम0एस0एस10 बिल्डिंग गैटेरियल प्रा0 लि0, खरारा सं0- 063, ग्राम पतवाड़ी, 130मी0 रोड, निकट इरोज सम्पूर्णम सोसाइटी, ग्रेंटर नौएडा वेस्ट, गौतमबुद्धनगर के विरुद्ध पर्यावरणीय क्षतिपूर्ति प्रशमन आरोपित विन्ये जाने के सम्बन्ध में।

महोदय,

कृपया उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, ग्रेंटर नौएडा के क्षेत्रीय अधिकारी के पत्रांक सन्दर्भ संख्या-938/सं0-66-2022 दिनांक 19.10.2022 का सन्दर्भ ग्रहण करना ताहे (प्रतिलिपि संलग्न), जिसमे उनके द्वारा अवगत कराया गया है कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा जारी आदेशों एवं ग्रुप के अनुपालन के क्रम में ग्रेंटर नौएडा क्षेत्रान्तर्गत कार्यालय के अधिकारियों द्वारा सन्दर्भित परियोजना का निरीक्षण दिनांक 15.10.2021 को किया गया। निरीक्षण के समय परिसर के अन्दर कस्ट्रक्शन गैटेरियल खुलने में भण्डारित पाया गया। उक्त पर वायु प्रदूषण के रोकथाम हेतु प्रभावी व्यवस्था नहीं पायी गयी, जिससे अस्त इमीशन की समस्या पायी गयी। उपरोक्त के दृष्टिगत निर्माणाधीन परियोजना मैसर्स पी0एम0एस0एस10 बिल्डिंग गैटेरियल प्रा0 लि0, खरारा सं0- 063, ग्राम पतवाड़ी, 130मी0 रोड, निकट इरोज सम्पूर्णम सोसाइटी, ग्रेंटर नौएडा वेस्ट, गौतमबुद्ध नगर पर पर्यावरणीय क्षतिपूर्ति प्रशमन रू0 1,00,000.00 (रू0 एक लाख मात्र) आरोपित विन्ये जाने की सारसुति की गयी है।

अतः उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड द्वारा की गयी सारसुति के क्रम में ग्रेंटर नौएडा प्राधिकरण क्षेत्र में एन0जी0टी0 के दिशा निर्देशों का उल्लंघन कर वायु प्रदूषण फैलाने के लिए आपको ऊपर रू0 1,00,000.00 (रू0 एक लाख मात्र) का अर्शदण्ड संशोधित किया जाता है। आरोपित अर्शदण्ड की धराराशि को निम्नानुसार 15 दिन में प्राधिकरण जमा कराया जाना सुनिश्चित करे एवं साथ ही जमा की गयी धराराशि की रसीद की एक प्रति प्राधिकरण के बिल्डर्स/संस्थागत विमान एवं अधोस्तरागन्त्री को उपलब्ध कराया जाना सुनिश्चित करे।

विकल्प-1:- आरो0जी0टी0एस0 के माध्यम से A/c Title GNIDA recovery NGT panaly A/c no. 50100118996050, IFSC code 0000278, HDFC Bank, Greater Noida

विकल्प-2:- Demand draft के माध्यम से to be deposited in favour of Greater Noida Industrial Development Authority payable at Noida A/C No. 50100118996050, IFSC code 0000278, HDFC Bank, Greater Noida.

इसके अतिरिक्त आपको निर्देशित किया जाता है कि निर्माण कार्यों में प्रयोग होने वाली सामग्री को पूर्ण रूप से कवर करना सुनिश्चित करे एवं पानी का छिडकाव प्रतिदिन करते रहें ताकि वायु प्रदूषण को रोका जा सके। उक्त के अतिरिक्त वायु प्रदूषण के दृष्टिगत मा0 राष्ट्रीय हरित अधिकरण द्वारा जारी आदेशों का अनुपालन करना सुनिश्चित करे।
सालगक-उपरोक्तानुसार।

(चेतराम सिंह)

वरिष्ठ प्रबन्धक, वर्क सर्फिसल-3

प्रतिलिपि:-

1. सहायक आफिसर को अपर मुख्य कार्यपालक अधिकारी (डी0/पी0/ए0) महोदय/महोदया के सादर अवलोकनार्थ प्रेषित।
2. महाप्रबन्धक (वित्त) महोदय को सूचनार्थ प्रेषित।
3. महाप्रबन्धक (अभियन्त्रण)/नोडल अधिकारी एन0जी0टी0 महोदय को सूचनार्थ प्रेषित।
4. सहायक महाप्रबन्धक (संस्थागत) महोदय को सूचनार्थ प्रेषित।
5. सहायक महाप्रबन्धक (अर्जन सर्विस) महोदय को सूचनार्थ प्रेषित।
6. वरिष्ठ प्रबन्धक (स्वारथ्य)/नोडल अधिकारी एन0जी0टी0 को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
7. वरिष्ठ प्रबन्धक (नियोजन) को सूचनार्थ।
8. प्रबन्धक (बिल्डर्स) को सूचनार्थ प्रेषित।
9. क्षेत्रीय अधिकारी, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, ग्रेंटर नौएडा को सूचनार्थ प्रेषित।
10. प्रबन्धक/सहायक प्रबन्धक, वर्क सर्फिसल-3 को आवश्यक कार्यवाही हेतु प्रेषित।

वरिष्ठ प्रबन्धक, वर्क सर्फिसल-3

Item No.06

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 551/2022

Dr. Ashok Kumar

...Applicant

Versus

State of U.P.

...Respondent

Date of hearing: 06.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Application is registered based on a complaint received by Email.

ORDER

1. Dr. Ashok Kumar, President Saampooranam Apartment Owner Association has sent the present letter petition by email, which is treated and registered as original application. The applicant has submitted that their society 'EROS Sampooranam', which is situated at Sector-2 Greater Noida West, District Gautam Budh Nagar, Uttar Pradesh is surrounded by illegal Rodi/Bajri mixture plants from which continuous pollution is generated round the clock. The dumpers/trucks plying on service lanes are not only causing air and noise pollution but are also creating grave risk of accidents.

2. This Tribunal is empowered to take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 *suo moto* as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.** This Tribunal can also take cognizance of such cases on the basis of

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letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of State PCB, District Magistrate, Gautam Bhudhnagar and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) the concerned Project Proponents to enable them to comply with the recommendations in its report or file objections against its observations/recommendations and file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the State PCB and District Magistrate, Gautam Bhudhnagar to enable them to take appropriate remedial action by giving notice to/hearing the concerned project proponents and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and

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improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

The reports be submitted by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 14.12.2022.
6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the State PCB and District Magistrate, Gautam Bhudhnagar by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 06, 2022
AG

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H/T

BEFORE THE NATIONAL GREEN TRIBUNAL,
NEW DELHI (COURT-II)
ORIGINAL APPLICATION NO.551 OF 2022



IN THE MATTER OF:
DR. ASHOK KUMAR

VERSUS

...APPLICANT

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

R.L.K YADAV/MOHIT YADAV, Advocates

203, Lawyers Chamber, Block-III, High Court of Delhi-03

.Enroll. No. D/766/2010 And D/4106/2018 Mob: 9810980675.

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize him :-

To act, appear and plead in the above-noted case in this Court in any other Court in which the same may be tried or heard and also in the appellate Court including High Court Subjected to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages and to pay the amount of fees for each stage.

To file and take back documents, to admit and/ or deny the

To withdraw or compromise the said case or submit to arbitration touching or in any manner relating to the said case

To take execution proceedings.

The deposit, draw and receive money, cheques, cash and things which may be necessary to be done for the progress of a case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign. the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done me/us to all intents and purposes.

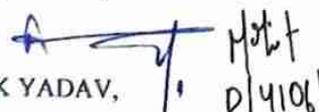
And I/We undertake that I/We undertake that I/We or my/our authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/ us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid, I/We will not be entitled for the refund of the same in any case whatsoever and in case it prolongs for more than 3 years the original fee shall be paid again by me/ us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me /us on this 13th day of January 2023.

Accepted subject to the terms of the fees.

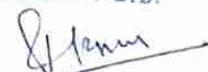

RLK YADAV,
ADVOCATES

ADVOCATES

For PMSS BUILDING MATERIAL PVT. LTD.

Pankaj Tomar

CLIENT


Director