

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

Original Application No. 1343/2024

(IA No. 615/2024)

In the matter of:

HARISH YADAV

Applicant

Versus

STATE OF UTTAR PRADESH & Ors.

Respondents

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2.	Annexure-I A copy of Hon'ble NGT order dated 05.12.2024.	
3.	Annexure-II A copy of CPCB letter dated 13.01.2025 to SEIAA and others.	



Filed by: Adv. Suman Arora

On behalf of Central Pollution Control Board

Place: Delhi

Date: 27.03.2025

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

OA No. 1343/2024

(IA No. 615/2024)

In the matter of:

HARISH YADAV

Applicant

Versus

STATE OF UTTAR PRADESH & Ors.

Respondents

REPLY ON BEHALF OF RESPONDENT NO. 6, CENTRAL POLLUTION
CONTROL BOARD (CPCB)

Most respectfully showeth:

1. That, Hon'ble NGT vide order dated 05.12.2024 and notice dated 16.12.2024 has sought the response of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. A copy of the Order dated 05.12.2024 is appended herewith as **ANNEXURE I**.
2. That at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the above 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 any averment which has been expressly admitted hereinafter.

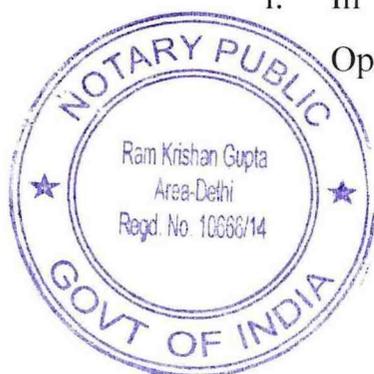
3. That, CPCB is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.

BACKGROUND:

4. The issues raised in the matter of Hon'ble NGT OA No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors. are regarding construction of township without Environmental Clearance (hereinafter referred as EC), Consent to Establish (hereinafter referred as CTE), Consent to Operate (hereinafter referred as CTO); discharging the sewage effluent without STP into the nala / open space; blocking the outlet of effluent and drain water of the village; ground water extraction for construction; cutting of trees without obtaining prior permission etc. and consecutive effects of these activities on the environment and biotic components etc.

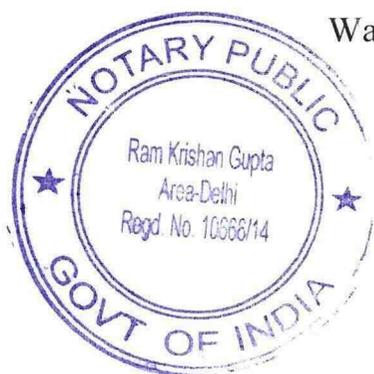
PRELIMINARY SUBMISSIONS: -

5. In view of issues raised in this matter following are humbly submitted:
 - i. In the context of requirement of EC and Consent to Establish/ Operate, it is humbly submitted that, the Clause 2 of the



Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the “Requirements of prior EC” and as per the above mentioned clause, the projects or activities which are falling under the category ‘A’ of the Schedule of the EIA Notification, 2006; the Project Proponent shall obtain EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as ‘MoEF & CC’) and the projects which are falling under the ‘B’ category of the Schedule of the EIA Notification, 2006; the Project Proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as ‘SEIAA’) before carrying out the construction works. Further, after grant of the environmental clearance, the MoEF&CC/SEIAA monitors the compliance of conditions prescribed under EC.

- ii. As per the clause 2 of General Condition of EC [as available at website of Uttar Pradesh Real Estate Regulatory Authority (UPRERA) at weblink....<https://www.uprera.in/ViewDocumentParam=PRJ15047AWC%20EC.pdf>] granted to M/s. Aditya World City, Village Shahpur, Bamheta, NH-24, Ghaziabad, Uttar Pradesh, the project proponent was required to obtain no objection certificate from UP Pollution Control Board before start of construction.
- iii. It is also humbly submitted that, State Pollution Control Boards/Pollution Control Committees are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction



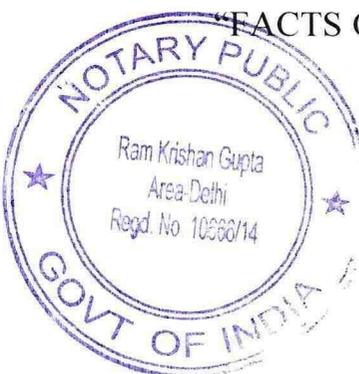
of State/ Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.

- iv. That, with reference to issue related to illegal extraction of groundwater, it is humbly submitted that in Uttar Pradesh ground water extraction is regulated under Uttar Pradesh Ground Water (Management and Regulation) Act, 2019 by State Ground Water (Management and Regulation) Authority.
- v. That, in context of cutting/felling of trees, this answering respondent humbly submits that, information available with CPCB on Acts/Rules/Guidelines/Circulars etc. for protection and management of trees in the State of Uttar Pradesh are as follows:
 - a. In Forest area, the trees have been protected in accordance with Indian Forest Act, 1927.
 - b. U.P. Protection of trees Act, 1976 for regulation of felling of trees outside Forest are applicable.

That it is humbly submitted that, the responsibility of implementation of the provisions as per the statute mentioned above is with the Concerned Authorities in the State under reference.

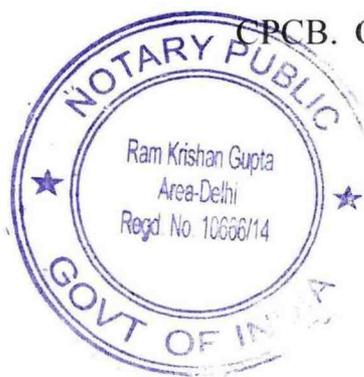
PARAWISE REPLY: -

6. That, no comments are offered by the answering respondent herein over the averments made in Paragraph No. 1 under the heading “MOST RESPECTFULLY SHOWETH’ and Paragraph No. 1 to 9 under the heading “FACTS OF THE CASE’ being introductory in nature.
7. That, the averments made in Paragraph Nos. 10 to 30 under the heading “FACTS OF THE CASE’ are related to construction project being carried



out by the Project Proponent (herein after referred to as “PP”) i.e., Respondent No. 2, regarding alleged violations like construction of township without Environmental Clearance, Consent to Establish, Consent to Operate, discharging the sewage effluent without STP into the nala / open space, blocking the outlet of effluent and drain water of the village; ground water extraction for construction, cutting of trees without obtaining prior permission etc. by the PP, alleged non-compliance of the environmental norms by the PP, alleged effects of the said activities on the environment and biotic components, applicant’s communication to concerned authority regarding the said activities etc. In this regard, it is humbly submitted that the submissions made in Paragraph No.5 above of this instant reply, are reiterated and are not being repeated for the sake of brevity.

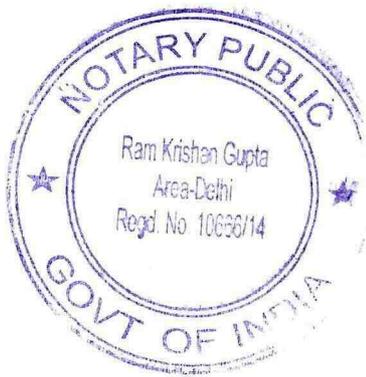
8. That, averments made in Paragraph Nos. 1 to 11 of Original Application pertains to various grounds under heading “GROUNDS” and Limitation under the heading “LIMITATION” and averments made in Paragraph Nos. 1 to 5 under the heading “PRAYERS” for filling this application. The answering respondent humbly craves leave of this Hon’ble Court to rely on submissions made under preliminary submissions of this reply affidavit and the same are not being repeated for the sake of brevity.
9. That the Central Pollution Control Board vide letters dated 13.02.2025 has communicated with SEIAA, Uttar Pradesh, Uttar Pradesh Pollution Control Board (hereinafter referred to as UPPCB); Principal Chief Conservator of Forest (hereinafter referred to as PCCF) ,Uttar Pradesh and UP State Ground Water Authority (Management and Regularity) to take action as required on the grievance mentioned in OA and communicate status to CPCB. Office Copy of the same is enclosed as **Annexure-II**. The status



report/action taken report on the matter is awaited from the concerned authorities.

10. That, the answering respondent no. 6 craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.

11. That, in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by all the order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



Sharandeep
(Sharandeep Singh)

Scientist 'E'

Central Pollution Control Board

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

OA No. 1343/2024

(IA No. 615/2024)

In the matter of:

HARISH YADAV

Applicant

Versus

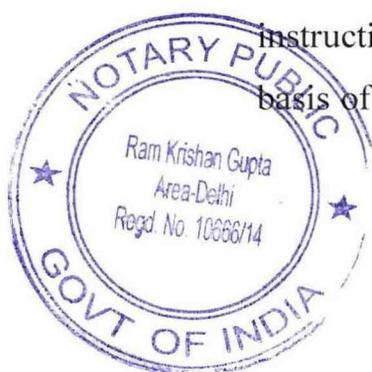
STATE OF UTTAR PRADESH & Ors.

Respondents

AFFIDAVIT

I, Sharandeep Singh, aged about 45 years in the capacity of Scientist-E, having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows: -

1. That I, the deponent herein is 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 to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. 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 records 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.

VERIFICATION

Verified at Delhi on this day of 27 MAR 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
DELHI (INDIA)

27 MAR 2025

Sharaandeep

शरणदीप सिंह / Sharaandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivash Bhawan, East Arjun Nagar, Delhi-110032

Sharaandeep

DEPONENT

शरणदीप सिंह / Sharaandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivash Bhawan, East Arjun Nagar, Delhi-110032

Item No. 05

Court No. 3

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 1343/2024
(IA No 615/2024)

Harish Yadav

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 05.12.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Amar Nath, Adv. for Applicant (Through VC).

Respondents: Ms. Priyanka Swami, Adv. for R - 1, 3 & 7 to 13 (Through VC).
Mr. Divyakant Lahoti & Mr. Kartik Lahoti, Adv. for R - 2.
Mr. Bhanwar Pal Singh Jadon, Adv. for R - 4 & 5.**ORDER**

1. The Applicant has filed present application under Section 18(1) read with Sections 14, 15, 16 & 17 of the National Green Tribunal Act, 2010 seeking issuance of directions to Respondent No. 2 to prevent further environmental damage and raising any further construction and also directions for imposition of environmental compensation on Respondents No. 2 and 3 and release and allocation of ECR/ERF fund for remedial measures as prayed for.

2. The Applicant has submitted that Respondent No. 2-M/s. Aggarwal Associates Promoters Ltd. is developing integrated township known as 'Aditya World City' on land of various khasra number falling under the area of Master Plan of Respondent No. 3 Ghaziabad Development Authority (GDA). The project falls under category 8 (b) in the Schedule of the Environment Impact Assessment (EIA) Notification dated 14.09.2006 and required Environmental Clearance (EC) from State Environment

Impact Assessment Authority, Uttar Pradesh (SEIAA, U.P.). The Project Proponent was also required to obtain Consent to Establish (CTE) and Consent to Operate (CTO) from Uttar Pradesh Pollution Control Board (UPPCB). Respondent No. 2 has carried out construction activities without obtaining EC from SEIAA, U.P. and CTE/CTO from UPPCB and in violation of environmental norms. Respondent No. 2 has blocked the outlet of effluent and drain water of the village which has led to accumulation and overflow of sewage besides water logging. Respondent No. 2 has also cut 400 to 500 trees without obtaining prior permission from the Director, District Forest Officer. Respondent No. 2 is extracting large quantity of groundwater for construction activities without obtaining permission from the Uttar Pradesh Ground Water Authority (UPGWA). The Applicant made complaints to the concerned authorities but no action has been taken on the same.

3. *Prima facie*, the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. Let notice of application along-with copies of documents attached with the same be issued to the Respondents requiring them to file their response thereto at least one week before the date of hearing hereby fixed.

5. Ms. Priyanka Swami, Advocate has appeared and accepted notice on behalf of Respondents No. 1, 3 and 7 to 13 and Mr. Bhanwar Pal Singh Jadon, Advocate has appeared and accepted notice on behalf of Respondents No. 4 and 5 and they seek time to file their responses.

6. Mr. Divyakant Lahoti, Advocate has appeared and accepted notice on behalf of Respondent No. 2 and submitted that Respondent No 2 has obtained environmental clearance from SEIAA, U.P. and CTE/CTO from UPPCB and permission for extraction of ground water from UPGWA and has also set up STP and treated water is being utilised for horticultural purposes. He also seeks time to file response on behalf of Respondent No. 2.

7. The Registry is directed to issue notice to Respondents No. 6 and 14.

8. The Applicant is directed to serve notices on Respondents No. 6 and 14 by email as well as registered/speed post and to file affidavit of service within 15 days and thereafter file tracking reports regarding notices sent by registered/speed post at least one week before the next date of hearing.

9. Responses by the respondents be filed at least one week before the date of hearing hereby fixed.

10. List for further consideration on 28.03.2025.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

December 05, 2024
Original Application No. 1343/2024
(IA No 615/2024)
dv



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

No.: CM-13011/349/2024-LAW-HO-CPCB-HO

January 13, 2025

To

The Member Secretary
State EIA Authority –Uttar Pradesh
 Building No. TC-12V, VibhutiKhand
 Gomti Nagar, Lucknow – 226010

Subject: Hon'ble NGT Original Application No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors.

Ref.: Hon'ble NGT (PB) Order dated 05.12.2024 and Notice dated 16.12.2024 received by CPCB in above said matter.

Sir,

This has reference to above cited Hon'ble National Green Tribunal (NGT) order dated 16.10.2024 and Notice dated 16.12.2024 in Original Application No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors. (Copies of Hon'ble NGT order dated 05.12.2024 and Original Application are enclosed for ready reference).

In original application, applicant has raised issue of construction of township without Environmental Clearance.

In view of above, it is requested that the matter may be examined at appropriate level and action as required, if any, may please be taken. The status of the same may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,

Sharandeep
 13.01.2025
 (Sharandeep Singh)
 Divisional Head-UPC-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
 निर्गत.....
 दिनांक.....16/01/25

25/01/25
 14/01/2025

ofc

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.
 Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट /Website: www.cpcb.nic.in

**480****केन्द्रीय प्रदूषण नियंत्रण बोर्ड****CENTRAL POLLUTION CONTROL BOARD**

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

No.: CM-13011/349/2024-LAW-HO-CPCB-HO

8178

January 13, 2025

To

The Member Secretary
Uttar Pradesh Pollution Control Board
Building No. TC - 12 V, Vibhuti Khand,
Gomti Nagar, Lucknow - 226010

Subject: Hon'ble NGT Original Application No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors.

Ref.: Hon'ble NGT (PB) Order dated 05.12.2024 and Notice dated 16.12.2024 received by CPCB in above said matter.

Sir,

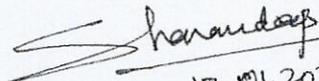
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In original application, applicant has raised issue of construction of township without valid Consent to Establish, Consent to Operate, discharge of untreated sewage in village drain etc.

In view of above, it is requested that the matter may be examined at appropriate level and action as required, if any, may please be taken. The status of the same may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,


(Sharandeep Singh)
13.01.2025
Divisional Head-UPC-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक.....16/01/25

o/c

249/UPC-I/25
14/01/2025

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

No.: CM-13011/349/2024-LAW-HO-CPCB-HO

8177

January 13, 2025

To

The Principal Chief Conservator of UP Forest Department
17, Rana Pratap Marg, Narhi, Civil Lines
Lucknow - UP - 226001

Subject: Hon'ble NGT Original Application No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors.

Ref.: Hon'ble NGT (PB) Order dated 05.12.2024 and Notice dated 16.12.2024 received by CPCB in above said matter.

Sir,

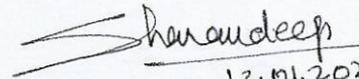
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In original application, applicant has raised issue of construction of township by cutting of trees without obtaining prior permission etc.

In view of above, it is requested that the matter may be examined at appropriate level and action as required, if any, may please be taken. The status of the same may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,


(Sharandeep Singh)
13.01.2025
Divisional Head-UPC-I

248/UPC-I/25
14/01/2025

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत
दिनांक 16/01/25

o/c

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



No.: CM-13011/349/2024-LAW-HO-CPCB-HO 8176

January 13, 2025

To

The Member Secretary
U.P. State Ground Water Authority (Management & Regularity)
Village Hariharpur, Near Delhi Public School
Saheed Path, Lucknow - 226002

Subject: Hon'ble NGT Original Application No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors.

Ref.: Hon'ble NGT (PB) Order dated 05.12.2024 and Notice dated 16.12.2024 received by CPCB in above said matter.

Sir,

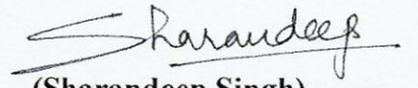
This has reference to above cited Hon'ble National Green Tribunal (NGT) order dated 16.10.2024 and Notice dated 16.12.2024 in Original Application No. 1343/2024 (IA No 615/2024) titled Harish Yadav Versus State of Uttar Pradesh & Ors. (Copies of Hon'ble NGT order dated 05.12.2024 and Original Application are enclosed for ready reference).

In original application, applicant has alleged that ground water is being extracted for township construction in Village Shahpur Bamheta which comes under Rajapur Block which falls under notified area of CGWB as an overexploited area.

In view of above, it is requested that the matter may be examined at appropriate level and action as required, if any, may please be taken. The status of the same may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,


(Sharandeep Singh)
Divisional Head-UPC-I

257/0721/25
14/01/2025

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
मिनिस्ट्रि
दिनांक 16/01/25

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'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष / Tel : 43102030, 22305792, वेबसाइट / Website: www.cpcb.nic.in