

410

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

ORIGINAL APPLICATION NO.749 OF 2024

IN THE MATTER OF:

Ajay Kumar Singh

..... Applicant

Versus

State Level Environmental Impact
Assessment Authority, & Ors.

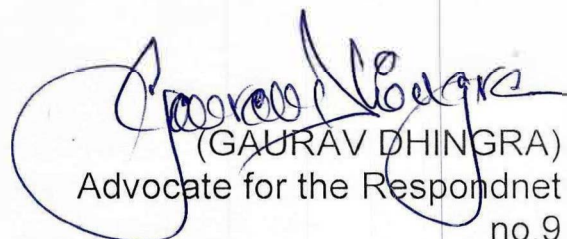
. Respondents

NEXT DATE OF HEARING:25.2.2024

I N D E X

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New Delhi
20.2.2025


(GAURAV DHINGRA)
Advocate for the Respondent
no.9

35, Lawyers' Chambers,
Supreme Court of India,
New Delhi-110001

Email: mcdhingra@gmail.com

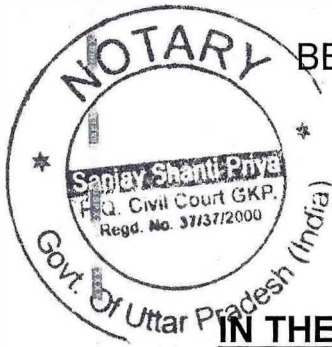
Mobile: 9873475990

Enroll: D/818/2004



उत्तर प्रदेश UTTAR PRADESH

91AE 992650

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN

Original Application No. 749 of 2014IN THE MATTER OF:

Ajay Kumar Singh

...Applicant

VS

State Level Environmental Impact
Assessment Authority, through The Chairman & Other
...RespondentsReply of Gorakhpur Industrial Development Authority
(GIDA), Respondent No. 9

Sanjay Shanti Priya
NOTARY
GORAKHPUR

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN

Original Application No. 749 of 2024

IN THE MATTER OF:

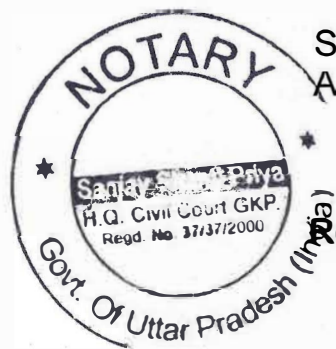
Ajay Kumar Singh

...Applicant

VS

State Level Environmental Impact
Assessment Authority, through The Chairman & Other

-----Respondents



Reply of Gorakhpur Industrial Development Authority
(GIDA), Respondent No. 9

I, Anupam Kumar Mishra, s/o Shri Arun Kumar Mishra, age about 34 years, posted as Officer On Special Duty (OSD), Gorakhpur Industrial Development Authority, District- Gorakhpur (UP) do hereby solemnly declare and affirm as under:

1. That in my official capacity stated above, I am conversant with the facts and circumstances of the case on the basis of information derived from its record. I am authorized to file this reply on behalf of respondent no. 9 (Gorakhpur Industrial Development Authority) and I am competent to swear this Affidavit.

(Signature)

Sanjay Shanti Prasad
NOTARY
GORAKHPUR

2. In the present Original Application this Hon'ble Tribunal vide order dated 6.8.2024, was pleased to direct as under:

" 2. Learned Counsel for the Applicant has referred to the revised guidelines for Common Biomedical Waste Treatment Facilities (CBWTF), Annexure A-7 and has referred to Clause 2 thereof relating to criteria for development of new Common Biomedical Waste Treatment and Disposal Facility for locality or region and has laid emphasis that no gap analysis has been conducted with reference to the coverage area of biomedical waste generation in the State of UP. He has submitted that in fact the requirement of sub-clause – (a) to (e) of Clause 2 have not been complied with in UP and also in respect of Project Proponents which provide as:

"2. Criteria for development of a new Common Bio-medical Waste Treatment and Disposal Facility for a locality or region.

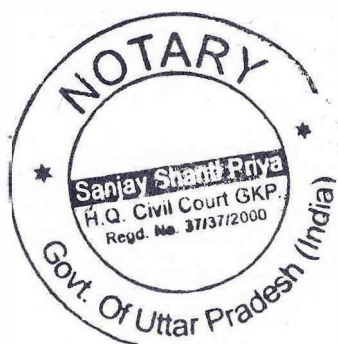
- a) Prescribed authority under the BMWM Rules, 2016 [i.e., State Pollution Control Board (SPCB) in the respective State or Pollution Control Committee (PCC) in the respective Union Territory Administration] is required to prepare an inventory or review with regard to the bio-medical waste generation at least once in five years in the coverage areas of the existing bio medical waste treatment and disposal facility. The prescribed authority is also required to extrapolate the coverage-area wise bio-medical waste generation for the next ten years.
- b) SPCB/PCC is required to conduct gap analysis w.r.to coverage area of the bio-medical waste generation and also projected over a period of next ten years, adequacy of existing treatment capacity of the CBWTF in each coverage area of radius 75 KM, as given in Annexure-I.



Sanjay Shanti Pritya
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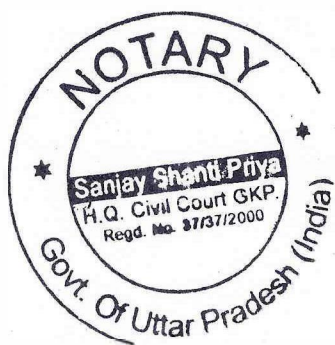
All the SPCBs and PCCs shall conduct the gap analysis and based on the gap analysis, action plan for development of new CBWTFs is required to be prepared and submitted to MoEF& CC & CPCB within six months' time. In case of States/UTs, where no CBWTF is available, in such a case, SPCB/PCC being prescribed authority under the BMWM Rules is required to submit the detailed proposal to MoEF& CC/MoH & FW through the respective State Government or UT Administration. Also, the option of forming association by the group of health care facilities (HCFs) to develop their own CBWTF also be encouraged following these guidelines. In case, any coverage area requires additional treatment capacity, in such a case, action may be initiated by the prescribed authority for allowing a new CBWTF in that locality without interfering the coverage area of the existing CBWTF and beds covered by the existing CBWTF.

- c) SPCB/PCC shall identify the coverage area, which require additional treatment facility and bring it to the notice of the concerned department in the business allocation of land assignment in the respective State Government or UT Administration. The department in the business allocation of land assignment shall be responsible for providing suitable site in the identified coverage area for setting up of a CBWTF, in consultation with the prescribed authority (i.e., SPCB/PCC), other stakeholders and in accordance with these guidelines issued by CPCB from time to time.
- d) Alternately, a CBWTF may also be allowed to be established on a land procured by an entrepreneur in accordance with the location criteria suggested under these guidelines.



Sanjay Shanti Priya
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- e) The SPCB/PCC or concerned department in the business allocation of land assignment in the respective State Government or UT Administration may seek expression of interest from the proponents for development of new CBWTF (s) in the identified coverage area. Upon allocation of site to the proponent, the proponent is required to take necessary approvals as required under the Environment (Protection) Act, 2 1986 for development of the new CBWTF in accordance with these guidelines.
- f) In the absence of expression of interest by any proponent, then SPCB/PCC shall insist health care facilities to form association and to develop its own CBWTF in line with these guidelines or to have captive treatment facilities for ensuring treatment and disposal of generated bio-medical waste as stipulated under the BMWWM Rules, 2016.
- g) In case of any regulatory action including closure of any existing CBWTF is inevitable, the respective SPCB/PCC may take action under the BMWWM Rules including for making alternate arrangement to ensure safe disposal of the bio medical waste generated from the member health care facilities of such default CBWTF through CBWTF located nearby.
- h) In case of hilly areas considering the geography, only one CBWTF with adequate treatment capacity may be developed covering atleast two districts to cater treatment services to the HCFs located in the respective Districts. The selection and allocation of site etc., should be done as per the criteria suggested under these guidelines. The treatment charges to be prescribed by the



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respective SPCB/PCC in consultation with the State Advisory Committee."

3. That the Gorakhpur Industrial Development Authority (GIDA) was established by the Uttar Pradesh Government on Nov.30, 1989 in terms of Section 3 of the U.P Industrial Area Development Act, 1976, with the objective to remove economic and industrial backwardness and to establish integrated model township with Industrial Facilities for setting up of various large, medium and small scale industries, residential facilities, commercial areas, spaces for institutions of national importance as well as office complexes. GIDA finally took shape and started operations in the year 1992. It is submitted that the works of the Authority are carried out as per the provisions/rules made in the UP Industrial Area Development Act, 1976 in the villages notified through the said notification for planned industrial development.

4. That respondent no. 9, for the aforesaid purpose, purchase land through mutual consent or acquire under the under the provisions of Land Acquisition Act and develop plots for planned industrial development as per the master plan and allots them to Industrial units etc on lease of 90 years through transparent process of allotment.

5. That the master plan was prepared by Respondent no. 9, in the notified area and accordingly industrial, commercial, educational and residential plots are developed and allotted. According to which construction work is permissible in the sectors.

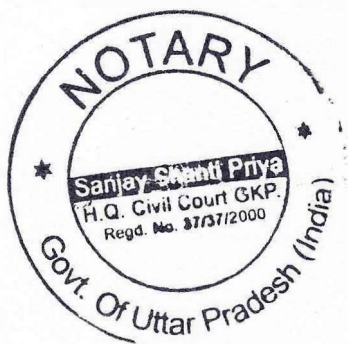
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Sanjay Shanti Prasad
NOTARY
GOREGAON

6. That as per the allotment letter, lease deed was executed between the authority and the opponent in the above order. In term of the allotment letter and the lease deed, the allottee is mandated to comply the following terms:

“ That the lessee will obey and submit to the rules of Municipal or other Authority nowexisting or hereafter exist so far as the same relate to the immovable property in the area or so far as they affect the health, safety convenience of the other inhabitants of the place and shall not release any obnoxious, gaseous, liquid or solid effluents from the unit in any case. He shall make his own arrangement for the disposal of effluents in accordance with the terms and conditions of the State Effluents Borad/UP Pollution Control Board or any other authority competent to make rules, regulations, by-laws and laws in this behalf from time to time. Any breach of such law, rules, regulations and bye-laws shall be sole liability of the lessee.

The lessee shall establish at his own cost an appropriate and efficient effluent treatment system/ plant and all other systems to minimize the pollution created by any other process and shall ensure that it is ready and functional as per the norms and specifications expected, laid down or stipulated by the UP Pollution Control Board or UP Water



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(Prevention & Control of Pollution) Board or any other authority established by law for the time being in force, before the production is commenced in the units set up on the plot of land covered by these present.”

7. That the answering respondent in its allotment letter clearly instructs the allottee that the Uttar Pradesh Pollution Control Board is competent to control the pollution caused by Industrial units and the establishment of effluent treatment system/plant etc by the unit and hence the unit can be operated only after obtaining the No objection Certificate. It is pertinent to mention that the Pollution Control Board inspects the industrial units from time to time. If the industrial unit/allottee is found not complying with the statutory provisions, the answering respondent is competent to close or seal the polluting unit.
8. It is submitted that plot number-D-1/3, Sector-15 is allotted to M/s Raju Industries for disposable glass unit. The said plot was requested to be given on rent for running Common Bio Medical Waste Management Facility. In terms of the master plan of the answering respondent, there is no provision for setting up a polluting unit. Answering respondent rejected the application of the allottee vide letter dated 1.6.2023, Annexure R9/1 herewith.
9. It is submitted that no permission has been granted by the answering respondent to M/s AV Biomedical Waste Services to set up a plant in Plot No. A-2/36, Sector- 15, which was allotted for flour mill unit in favour of Shri Ramji Mishra (Sole Proprietorship) through allotment



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letter No.474 dated 28.3.2006. Since the allottee failed in setting up the unit on time, the said allotment was cancelled on 5.1.2019. Allottee filed revision petition before the Govt. against the said cancellation. The government cancelled the order of answering respondent through its order dated 5.7.2023 and directed:

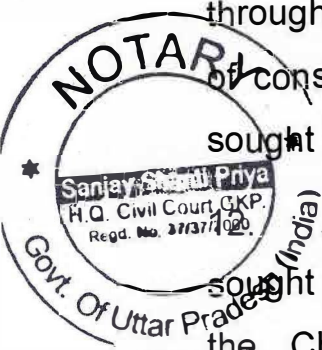
“ The revisionist should pay the amount of labour cess, map fee, remaining instalment of lease rent, maintenance fee and time extension fee within 01 month of passing the order. Allottee himself has stated that he will set up and start the industry within 6 months of map approval. Necessary assistance will be provided by the Authority in this work.”

10. After the death of the original allottee, inheritance has been registered on the plot in question in favour of his son Sh. Vijay Nath Mishra on 17.9.2023.

11. After the order of the Government dated 5.7.2023, the allottee through his letter dated 20.12.2023 and 29.1.2024 requested for change of constitution from sole proprietorship to partnership firm and further sought permission for setting up of biomedical waste unit.

Considering the request of the allottee, answering respondent sought information and its nature through letter dated 21.12.2023 from the Chief Environmental Officer, Gomti Nagar, Lucknow. Chief Environmental Officer, vide letter dated 12.2.2024 informed that the common Biomedical Waste Treatment facility falls in “Red Category”.

13. Gorakhpur Industrial Development Authority Development Master Plan, 2012-32 is in effect, in which provision of zoning regulation has been made. Prior to Master Plan 2012-32, sectors in the Master



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Plan of answering respondent were determined for the establishment of the scheme in Sector 15 on the basis of colour coding and classification. As per the provisions of Zoning regulation prescribed in Gorakhpur Industrial Development Authority Master Plan 2012-32 prevalent in answering respondent, there is no mention of Common Biomedical Waste Treatment facility for the industry falling in M-1 Category.

14. In absence of any clear policy and rules for establishment of Common Biomedical Waste Treatment Plant, answering respondent wrote letter dated 20.2.2024 to the Government of Uttar Pradesh requesting to frame guidelines, which is **Annexure-R9/2** herewith.

15. It is submitted that the Government of India vide order dated 1.7.2023 issued Environmental Clearance in favour of M/s AV Biomedical Waste Services for setting up a Common Biomedical Waste Treatment Plant on plot number A-2/36 Sector 15. Copy of the Environmental Clearance dated 1.7.2023 is **Annexure-R9/3**.

16. It is submitted that the applicant herein is a resident of Ghazipur, (U.P.) and does not have any *locus standi* to question the Environmental Clearance dated 1.7.2023 granted by SEIAA to respondent no. 2 for setting up of Common Bio-medical Waste Treatment Plant at Gorakhpur Industrial Development Authority. Applicant is away farer and a meddlesome interloper.

17. That the Section 14(3) of the National Green Tribunal, 2010 (for short the Act), reads as under:

“ (3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made

within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days."

18 Further, Section 16 (h) of the Act, provides:

" Any person aggrieved by:-

(a).....

(b).....

(c).....

(d).....

(e).....

(f)

(g).....

(h)an order made, on or after the commencement of the National Green Tribunal Act 2010, granting environmental clearance in the area in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards under Environmental (Protection) Act, 1986,

may, within the period of thirty days from the date on which the order or decision or direction or determination is communicated to him prefer an appeal to the Tribunal.



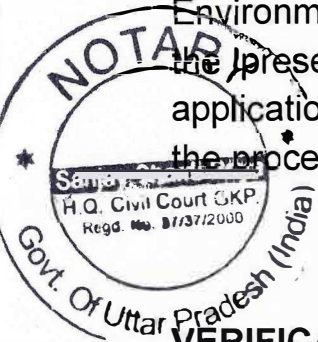
19. That the applicant herein has not suffered any injury, nor is owner of the property to which the damage has been caused or any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case maybe, or any person aggrieved, including any representative body or organisation. In *State of Uttar Pradesh vs Uday Education & Welfare Trust* reported in 2022 (19) SCR 781, the Hon'ble Supreme Court held "that before a litigant is

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Sanjay Shanker Prasad
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GORAKHPUR

permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and bonafides of the applicants must be tested."

20. It is respectfully submitted that the applicant herein has failed to show his bona-fides in preferring this present Original Application before this Hon'ble Tribunal. Further the application is grossly delayed as the Environmental Clearance was granted vide order dated 1.7.2023, whereas the present application was preferred on 15.5.2024, hence the present application deserves to be dismissed with cost as the same is an abuse of the process of law, being frivolous to say the least.



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DEPONENT

VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of the above affidavit are true and correct and nothing material has been concealed therefrom. Verified at Gorakhpur, U.P. on 05-02-2025

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DEPONENT

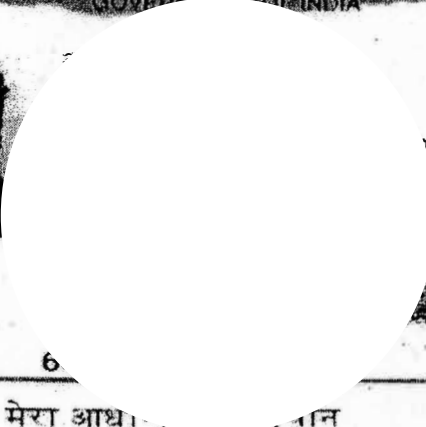
Sanjay Shastri Prasad
NOTARY
GORAKHPUR

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Identified
Sanjay Shastri Prasad
05/2/25

(Sanjay)
I, the undersigned, being a Notary Public duly qualified and authorized to do so, have read the foregoing affidavit and have verified the signature/thumb impression of the deponent who signed put his/her thumb impression at the ... day of ... month ... year ... and who has admitted the due execution of the same. He/She identifies the deponent as ...
Sanjay Shastri Prasad



भारत सरकार
GOVERNMENT OF INDIA



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मेरा आधार पहचान



भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

आत्मज: अरुण
विसौली, ब
उत्तर प्रदेश

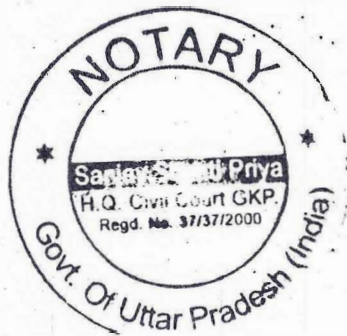


Address:

11, Munira, Ghazipur

201201

MERA AADHAR MERI PEHACHAN



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Sanjay Shanti Prava
NOTARY
GORAKHPUR

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ANNEXURER - R9/2

IN

Original Application No. 749 of 2024

IN THE MATTER OF:

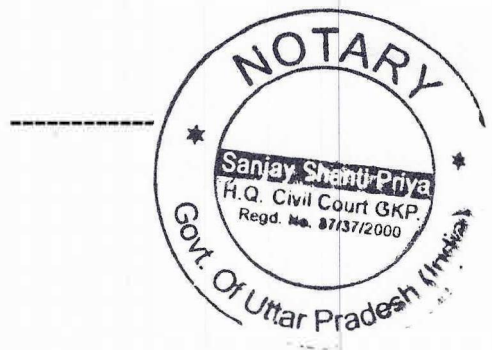
Ajay Kumar Singh

...Applicant

VS

State Level Environmental Impact
Assessment Authority, through The Chairman & Other

-----Respondents



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Sanjay Shanti Priya
NOTARY
GORAKHPUR



गोरखपुर औद्योगिक विकास प्राधिकरण,

सेक्टर-7, गीडा, गोरखपुर।

दूरभाष 0551-2580010 ई-मेल: ceogida-up@up.gov.in

पत्रांक: 279 / सम्पत्ति-नौ / डी-1/3, से0-15/2023-24, दिनांक: 01 अप्रैल, 2023

श्री राजू गुप्ता पुत्र श्री उमाशंकर गुप्ता
निवासी: डोहरिया बाजार, जिला-गोरखपुर।
मो0नं0: 8840006470

महोदय,

कृपया अपने पत्र दिनांक 16.08.2022 एवं 13.03.2023 का अवलोकन करना चाहें। उक्त पत्र के माध्यम से आप द्वारा अवगत कराया गया है कि अपने पक्ष में आवंटित भूखण्ड को मेसर्स रॉयल पाल्युशन कंट्रोल सर्विसेस (साझेदारी फर्म) को डिस्पोजल ऑफ हास्पिटल्स गार्बेज की इकाई स्थापित करने हेतु किराये पर देना चाहते हैं।

उक्त के क्रम में अवगत कराना है कि आपके प्रार्थना पत्र के साथ संलग्न प्रोजेक्ट रिपोर्ट में उल्लिखित प्रोडक्ट्स बायो-मेडिकल बेस्ट मैनेजमेन्ट फेसिलिटी गोरखपुर औद्योगिक विकास प्राधिकरण (गीडा) के आवंटन नियमावली एवं सी0पी0सी0वी0 द्वारा जारी रिवाइज गाईडलाइन्स-2016 में उल्लिखित प्राविधानों के विरुद्ध है।

उपरोक्त के दृष्टिगत आपके प्रार्थना पत्र दिनांक 16.08.2022 एवं 13.03.2023 को निरस्त करते हुए निक्षेपित किया जाता है। यह पत्र मुख्य कार्यपालक अधिकारी महोदय की स्वीकृति दिनांक 29.05.2023 के किय जा रहा है।

(गुरु प्रसाद)

अपर मुख्य कार्यपालक अधिकारी
04/04/23

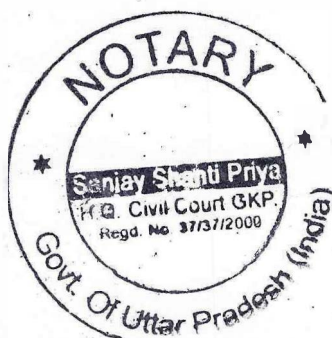
पत्रांक: 279 / उपरोक्त / दिनांकित।

प्रतिलिपि :-

1. मेसर्स रॉयल पाल्युशन कंट्रोल सर्विसेस (साझेदारी फर्म) द्वारा श्रीमती शायना खान (साझेदार) पत्नी श्री मोहम्मद जियाउर रहमान खान, पता: 2/5/126, कन्धारी बाजार, फैजाबाद, उ0प्र0-224001 को उनके पत्र दिनांक 13.03.2023 के क्रम में सूचनार्थ।
2. मेसर्स रॉयल पाल्युशन कंट्रोल सर्विसेस (साझेदारी फर्म) द्वारा श्री मोहम्मद जियाउर रहमान खान (साझेदार) पुत्र श्री यावर अली खान, पता: 2/5/126, कन्धारी बाजार, फैजाबाद, उ0प्र0-224001 को उनके पत्र दिनांक 13.03.2023 के क्रम में सूचनार्थ।

(गुरु प्रसाद)

अपर मुख्य कार्यपालक अधिकारी
04/04/23



Sanjay Shanti Priya
NOTARY
GORAKHPUR

True Translated Type Copy

Rapid Post/E-mail

Gorakhpur Industrial Development Authority,
Sector-7, GIDA, Gorakhpur.

Ph.: 0551-2580010

E-mail: ceogida-up@up.gov.in

Letter No.: 779/Property-nine/D-1/3, Se0-15/2023-24, Date: April, 2023

Shri Raju Gupta S/o Shri Umashankar Gupta
Resident: Doharia Bazar, District- Gorakhpur.
Mobile No.: 8840006470

Sir,

Please may refer to your letters dated 16.08.2022 and 13.03.2023. Through the said letter you have informed that you wish to rent the plot allotted in your favour to M/s Royal Pollution Control Services (Partnership Firm) for setting up a unit for disposal of hospital garbage.

In continuation of the above, it is to inform that the products "Bio-Medical Waste Management Facility" mentioned in the project report attached with your application are against the provisions mentioned in the allotment rules of Gorakhpur Industrial Development Authority (GIDA) and the Revised Guidelines-2016 issued by CPCB. In view of the above, your applications dated 16.08.2022 and 13.03.2023 are cancelled and deposited. This letter is being issued in accordance with the approval of the Chief Executive Officer dated 29.05.2023.

(Guru Prasad)
Additional Chief Executive Officer

Letter No.: 779/above/dated.

Copy to: -

1. M/s Royal Pollution Control Services (Partnership Firm) to Mrs. Shayna Khan (Partner) W/o Mr. Mohammad Ziaur Rahman Khan, Address: 2/5/126, Kandhari Bazar, Faizabad, UP-224001 for information in continuation of their letter dated 13.03.2023.
2. M/s Royal Pollution Control Services (Partnership Firm) to Mr. Mohammad Ziaur Rahman Khan (Partner) S/o Mr. Yawar Ali Khan, Address: 2/5/126, Kandhari Bazar, Faizabad, UP-224001 for information in continuation of their letter dated 13.03.2023.

Sd/Illegible
(Guru Prasad)
Additional Chief Executive OfficerNOTARY
Sd/Illegible
Sanjay Shanti Priya
Govt. Of Uttar Pradesh
Civil Court GKP

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ANNEXURER - R9/1

IN

Original Application No. 749 of 2024

IN THE MATTER OF:

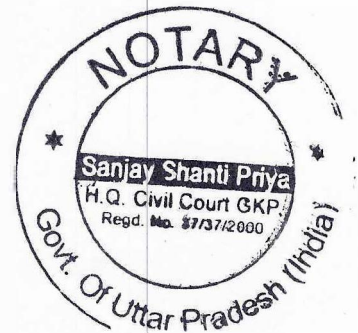
Ajay Kumar Singh

...Applicant

VS

State Level Environmental Impact
Assessment Authority, through The Chairman & Other

-----Respondents



TRUE COPY-----

A handwritten signature in blue ink, appearing to be "h".

A handwritten signature in blue ink over a stamp that reads "Sanjay Shanti Priya NOTARY GORAKHPUR".



गोरखपुर औद्योगिक विकास प्राधिकरण,

सेक्टर-7, गीडा, गोरखपुर।

ई-मेल: ceogida-up@up.gov.in

सेवा में,

श्री अनिल कुमार सागर,
प्रमुख सचिव,
अवस्थापना एवं औद्योगिक विकास विभाग,
लोक भवन, उत्तर प्रदेश शासन,
लखनऊ।

पत्रांक: 5136 /सम्पत्ति-नौ/ए-2/36, से0-15/2023-24, दिनांक: 20 फरवरी, 2024

महोदय,

कृपया भूखण्ड संख्या ए-2/36, सेक्टर-15 के आवंटी श्री विजय नाथ मिश्रा के प्रत्यावेदन दिनांक 29.01.2024 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से उन्होंने अपने पक्ष में आवंटित उपरोक्त भूखण्ड के संविधान को एकल स्वामित्व से साझेदारी फर्म में ए0वी0 बायोमेडिकल वेस्ट में परिवर्तित किये जाने के साथ उत्पाद फ्लोर मिल से परिवर्तित कर कामन बायोमेडिकल वेस्ट मैनेजमेन्ट फैसिलिटी किये जाने का अनुरोध किया गया है।

तत्काल में अवगत कराना है कि भूखण्ड का आवंटन, आवंटन पत्र संख्या 474 दिनांक 28.03.2006 के माध्यम से श्री रामजी मिश्रा पुत्र स्व0 देवता मिश्रा के पक्ष में किया गया था, जिसका रजिस्टर्ड अनुज्ञप्ति अनुबन्ध दिनांक 11.01.2009 को कराते हुए कब्जा दिनांक 22.10.2012 को प्राप्त किया गया है। आवंटी द्वारा आवंटन पत्र के नियमों का अनुपालन न किये जाने के कारण गीडा में प्रचलित नियमों के अन्तर्गत आदेश दिनांक 05.01.2019 के माध्यम से निरस्त करते हुए पुनर्ग्रहित किया गया था, जिसके विरुद्ध श्री विजय नाथ मिश्रा द्वारा औद्योगिक क्षेत्र विकास अधिनियम 1976 की धारा 12 सपठित उ0प्र0 अर्बन प्लानिंग एण्ड डेवलपमेंट एक्ट 1973 की धारा 41 (3) के अन्तर्गत शासन में अपील दाखिल की गयी थी। तत्पश्चात शासन द्वारा अपने आदेश दिनांक 05.07.2023 के माध्यम से कार्यालय के आदेश दिनांक 05.01.2019 एवं 21.12.2019 को निरस्त करते हुए आदेशित किया गया है कि "पुनरीक्षणकर्ता लेबर सेस की धनराशि, मानचित्र शुल्क, लीज रेंट की अवशेष किशतों का भुगतान, रख-रखाव शुल्क का भुगतान एवं समय विस्तारीकरण शुल्क का भुगतान भी आदेश पारित होने के 01 माह के अन्दर करें। आवंटी द्वारा स्वयं यह कहा गया है कि मानचित्र स्वीकृति के 06 माह के अन्दर वह उद्योग स्थापित कर उत्पादन चालू कर देगा। इस कार्य में प्राधिकरण द्वारा यथावश्यक सहयोग प्रदान किया जाएगा।" जिसके अनुपालन में गीडा द्वारा आदेश दिनांक 17.09.2023 (छायाप्रति संलग्न) द्वारा याचिकर्ता श्री विजय नाथ मिश्रा के पक्ष में वरसत दर्ज की गयी।

पूर्व में आवंटी द्वारा अपने पत्र दिनांक 20.12.2023 (छायाप्रति संलग्न) के माध्यम से बायोमेडिकल वेस्ट की इकाई की स्थापना हेतु अनुमति प्रदान करने का अनुरोध किया गया था। आवंटी के अनुरोध के दृष्टिगत गीडा द्वारा मुख्य पर्यावरण अधिकारी, गोमती नगर, लखनऊ को पत्र दिनांक 21.12.2023 (छायाप्रति संलग्न) प्रेषित किया गया, जिसके क्रम में मुख्य पर्यावरण अधिकारी द्वारा अपने पत्र दिनांक 12.01.2024 (छायाप्रति संलग्न) के माध्यम से अवगत कराया गया कि कामन बायोमेडिकल वेस्ट ट्रीटमेन्ट फैसिलिटी लाल श्रेणी से आच्छादित है। वर्तमान में आवंटी द्वारा गीडा में उक्त पत्र दिनांक 29.01.2024 के माध्यम से संविधान परिवर्तन एवं उत्पाद परिवर्तन का अनुरोध किया जा रहा है। तत्काल में आपको



गोरखपुर औद्योगिक विकास प्राधिकरण,

सेक्टर-7, गीडा, गोरखपुर।

ई-मेल: ceogida-up@up.gov.in

अवगत कराना है कि गीडा के सेक्टर-15 हेतु तत्समय निर्गत मास्टर प्लान में कलर कोडिंग के आधार पर वर्गीकरण के स्थान पर श्रेणी के आधार पर परियोजना स्थापनार्थ वर्गीकरण निर्धारित किया गया है। गीडा में प्रचलित गीडा डेवलपमेन्ट प्लान 2012-2032 में निर्धारित जोनिंग रेग्युलेशन के प्राविधानों के अनुसार एम-1 श्रेणी में आने वाले उद्योग के अन्तर्गत सेवा/कुटीर उद्योग, सूचना प्रौद्योगिकी/साफ्टवेयर टेक्नोलाजी पार्क, लघु उद्योग, प्रोसेसिंग इण्डस्ट्रीज, पावर राईजिंग प्लान्ट/दुग्ध संग्रहण केन्द्र, फिल्म/टीवी/रेडियो प्रोग्राम उत्पादन केन्द्र की अनुमन्यता है तथा विद्युत उत्पादन संयन्त्र विशेष अनुमति के साथ अनुमन्य है एवं वृहद उद्योग, शुगर मिल, राइस सेलर, फ्लोर मिल, संकटपूर्ण/खतरनाक/प्रदूषण कारक उद्योग, खनन ईट/चूने का भट्ठा केशर, तेलडिपो/एलपीजी/सीपीएलिंग प्लांट का उपयोग गीडा डेवलपमेन्ट प्लान 2012-2032 के अनुसार निषिद्ध है, जिसकी प्रति सुलभ सन्दर्भ हेतु संलग्न है। सूच्य है कि भारत सरकार द्वारा मेसर्स ए0वी बायोमेडिकल वेस्ट सर्विसेस के पक्ष में भूखण्ड संख्या ए-2/36, सेक्टर-15 पर कॉमन बायोमेडिकल वेस्ट ट्रीटमेन्ट फैसिलिटी की स्थापनार्थ ई0सी0 दिनांक 01.07.2023 (छायाप्रति संलग्न) निर्गत की गयी है। चूँकि प्राधिकरण में प्रचलित प्राविधानों के अनुसार कॉमन बायोमेडिकल वेस्ट ट्रीटमेन्ट फैसिलिटी की स्थापनार्थ कोई स्पष्ट नीति एवं नियम नहीं होने के कारण उक्त उत्पाद परिवर्तन पर निर्णय लिया जाना सम्भव नहीं हो पा रहा है।

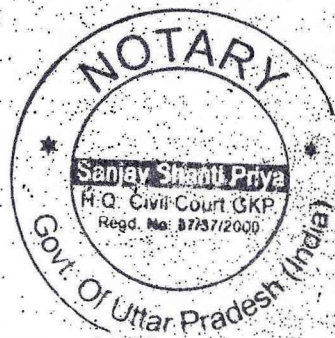
अतः उक्त तथ्यों के आलोक में आपसे सादर अनुरोध है कि प्रकरण पर अग्रिम कार्यवाही करने हेतु आवश्यक दिशा निर्देश प्रदान करने का कष्ट करें।
संलग्नक : यथोक्त।

भवदीया,

(Handwritten signature)

(अनुज मलिक)

मुख्य कार्यपालक अधिकारी।



(Handwritten signature)
Sanjay Shanti Priya
NOTARY
GORAKHPUR

Gorakhpur Industrial Development Authority,
Sector-7, GIDA, Gorakhpur.

Ph.: 0551-2580010

E-mail: ceogida-up@up.gov.in

To,
Mr. Anil Kumar Sagar,
Principal Secretary,
Infrastructure and Industrial Development Department,
Lok Bhawan, Uttar Pradesh Government,
Lucknow.

Letter No: 5136/Property-Nine/A-2/36, Se0-15/2023-24, Date: February 20, 2024

Sir,

Please refer to the representation dated 29.01.2024 of Shri Vijay Nath Mishra, allottee of Plot No. A-2/36, Sector-15, through which he has requested to convert the constitution of the above plot allotted in his favour from sole proprietorship to partnership firm A.V. Biomedical Waste with the product being converted from flour mill to Common Biomedical Waste Management Facility.

In this regard, it is to be informed that the plot was allotted, in favour of Shri Ramji Mishra S/o Late Devta Mishra through allotment letter no. 474 dated 28.03.2006, whose registered license agreement was made on 11.01.2009 and possession was obtained on 22.10.2012. Due to non-compliance of the rules of the allotment letter by the allottee, it was repossessed by cancelling it through order dated 05.01.2019 under the rules prevalent in GIDA, against which an appeal was filed by Shri Vijay Nath Mishra to the Government under Section 12 of the Industrial Area Development Act 1976 read with Section 41 (3) of the UP Urban Planning and Development Act 1973. Thereafter, the Government through its order dated 05.07.2023, cancelling the office orders dated 05.01.2019 and 21.12.2019, has ordered that *"the reviser should pay the amount of labour cess, map fee, remaining instalments of lease rent, maintenance fee and time extension fee within 01 month of passing the order. The allottee himself has said that within 06 months of map approval, he will set up the industry and start production. Necessary assistance will be provided by the Authority in this work."* In the compliance of which, by order dated 17.09.2023 (photocopy attached) by GIDA, an inheritance was registered in favour of the petitioner Shri Vijay Nath Mishra.

Earlier, the allottee had requested for permission to set up a biomedical waste unit through his letter dated 20.12.2023 (photocopy enclosed). In view of the request of the allottee, GIDA sent a letter dated 21.12.2023 (photocopy enclosed) to the Chief Environmental Officer, Gomti Nagar, Lucknow, in the sequence of which the Chief Environmental Officer informed through his letter dated 12.01.2024 (photocopy enclosed) that the Common Biomedical Waste Treatment Facility is covered under the Red Category. Presently, the allottee is requesting for change of constitution and change of product in GIDA through the said letter dated 29.01.2024. In this sequence, you

Gorakhpur Industrial Development Authority,
Sector-7, GIDA, Gorakhpur.
Ph.: 0551-2580010 E-mail: ceogida-up@up.gov.in

It is to inform that, in the Master Plan issued at that time for Sector-15 of GIDA classification for project establishment has been determined on the basis of category instead of classification on the basis of colour coding. As per the provisions of the Zoning Regulation prescribed in the GIDA Development Plan 2012-2032 prevalent in GIDA, under the M-1 category of industry, service/cottage industry, information technology/software technology park, small scale industry, processing industry, power raising plant/milk collection centre, film/TV/radio programme production centre are permitted and power generation plant is permitted with special permission, and the use of large scale industry, sugar mill, rice seller, flour mill, hazardous/dangerous/polluting industry, mining brick/lime kiln saffron, oil depot/LPG refilling plant is prohibited as per GIDA Development Plan 2012-2032, a copy of which is enclosed for ready reference. It is informed that the Government of India has issued E.C. dated 01.07.2023 (photocopy enclosed) in favour of M/s AV Biomedical Waste Services for establishment of Common Biomedical Waste Treatment Facility on Plot Number, A-2/36, Sector-15. Since there is no clear policy and rules for establishment of Common Biomedical Waste Treatment Facility as per the provisions prevalent in the Authority, it is not possible to take a decision on the said product change.

Therefore, in the light of the above facts, you are respectfully requested to provide necessary guidelines for taking further action on the matter. Attachments as mentioned.

Yours sincerely,
Sd/Illegible
(Anuj Malik),
20/02/24
Chief Executive Officer

NOTARY
Sd/Illegible
Sanjay Shanti Priya
H.O. Civil Court GKP
Govt Off Uttar Pradesh (India)

Sd/Illegible
Sanjay Shanti Priya
NOTARY

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ANNEXURER - R9/3

IN

Original Application No. 749 of 2024

IN THE MATTER OF:

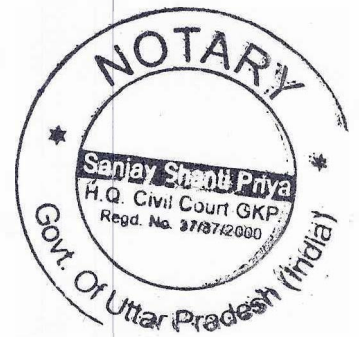
Ajay Kumar Singh

...Applicant

VS

State Level Environmental Impact
Assessment Authority, through The Chairman & Other

-----Respondents



TRUE COPY-----

Sanjay Shanti Priya
NOTARY
GORAKHPUR



Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority (SEIAA), UTTAR PRADESH)

To,

The Partner
M/S AV BIOMEDICAL WASTE SERVICES
1 F 964 Vardan Khand, Gomti Nagar Extension -226010

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/UP/INFRA2/428481/2023 dated 08 May, 2023. The particulars of the environmental clearance granted to the project are as below.

- | | |
|--|--|
| 1. EC Identification No. | EC23B057UP110682 |
| 2. File No. | 7866-7762 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including Schedule No. | 7.(d)(a) Common Bio-Medical Waste Treatment Facility |
| 6. Name of Project | Common Bio Medical Waste Treatment Facility (CBWTF) M/s AV Bio Medical Waste Services Plot No. A-2/36 Sector 15 at Gorakhpur Industrial Development Authority (GIDA) Gorakhpur |
| 7. Name of Company/Organization | M/S AV BIOMEDICAL WASTE SERVICES |
| 8. Location of Project | UTTAR PRADESH |
| 9. TOR Date | N/A |

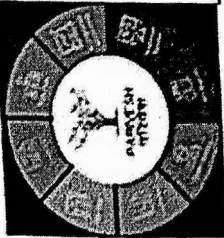
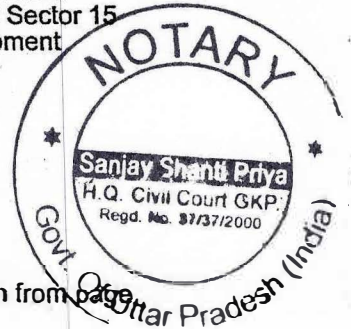
The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 01/07/2023

(e-signed)
Member Secretary
Member Secretary
SEIAA - (UTTAR PRADESH)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

This is a computer generated cover page.





State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.
Vineet Khand-1, Gomti Nagar, Lucknow- 226010
E-Mail- doeupko@yahoo.com, seliaaup@yahoo.com
Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/INFRA2/428481/2023 & SEIAA, U.P File no-7866-7762

Sub: Environmental Clearance for Proposed Common Bio Medical Waste Treatment Facility (CBWTF) at Plot No. A-2/36, Sector-15, Gorakhpur Industrial Development Authority (GIDA) District- Gorakhpur, Uttar Pradesh M/s AV Biomedical Waste Services.

Dear Sir,

This is with reference to your application / letter dated 04-04-2023, 08-05-2023, 16-05-2023, 08-06-2023 on above mentioned subject. The matter was considered by 761st SEAC in meeting held on 07-06-2023 and 744th SEIAA meeting held on 16-06-2023.

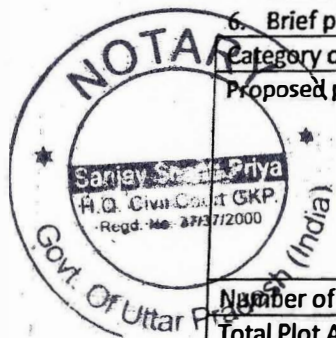
A presentation was made by the project proponent along with their consultant M/s Environment Management Division of M/s India Glycols Limited, Kashipur to SEAC on 07-06-2023.

Project Details Informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The environmental clearance is sought for Common Bio Medical Waste Treatment Facility (CBWTF) at Plot No. A-2/36, Sector-15, Gorakhpur Industrial Development Authority (GIDA) District- Gorakhpur, Uttar Pradesh M/s AV Biomedical Waste Services.
2. The standard terms of reference in the matter were issued through online Parivesh Portal on 06/04/2023.
3. The public hearing for project was exempted due to location falling under the Industrial Area as per MoEF&CC, Govt. of India O.M. Dated 04/04/2016.
4. Final EIA report submitted by the project proponent on 08/05/2023.
5. The proposed project of setting up the Common Bio-medical Waste Treatment Facility (CBWTF) having an capacity of 5 tons per day and which includes Incinerator with Air Pollution Control Device (APCD), Autoclave, Shredder and Effluent Treatment Plant.
6. Brief project details:

Category of Projects	Category "B" and Schedule- 7(da)		
Proposed plant capacity	Equipment	Capacity	Number
	Incinerator	300 kg/hr	2
	Autoclave	1000 kg/Batch	2
	Shredder	150 kg/hr	1
	Chemical Disinfection Tank	1500 Ltr	1
	Effluent Treatment Plant	10 KLD	1
Number of working days	365		
Total Plot Area	0.28 Ha.		
Plot Number	Plot No.A-2/36		
Location	Plot No.A-2/36 Sector 15 at Gorakhpur Industrial Development Authority (GIDA) Gorakhpur, Uttar Pradesh.		
Coordinates of the Plant	26°44'53.39"N 83°13'48.66"E		



Sanjay Shanti Pritya
NOTARY
GORAKHPUR



Directorate of Environment, U.P.
Vineet Khand-1, Gomti Nagar, Lucknow- 226010
E-Mail- doeupko@yahoo.com, seiaaup@yahoo.com
Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/INFRA2/428481/2023 & SEIAA, U.P File no-7866-7762

Sub: Environmental Clearance for Proposed Common Bio Medical Waste Treatment Facility (CBWTF) at Plot No. A-2/36, Sector-15, Gorakhpur Industrial Development Authority (GIDA) District- Gorakhpur, Uttar Pradesh M/s AV Biomedical Waste Services.

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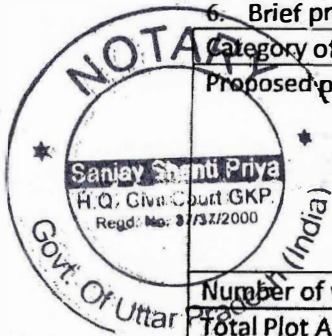
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6. Brief project details:

Category of Projects	Category "B" and Schedule-7(da)		
Proposed plant capacity	Equipment	Capacity	Number
	Incinerator	300 kg/hr	2
	Autoclave	1000 kg/Batch	2
	Shredder	150 kg/hr	1
	Chemical Disinfection Tank	1500 Ltr	1
	Effluent Treatment Plant	10 KLD	1
Number of working days	365		
Total Plot Area	0.28 Ha.		
Plot Number	Plot No.A-2/36		
Location	Plot No.A-2/36 Sector 15 at Gorakhpur Industrial Development Authority (GIDA) Gorakhpur, Uttar Pradesh.		
Coordinates of the Plant	26°44'53.39"N 83°13'48.66"E		

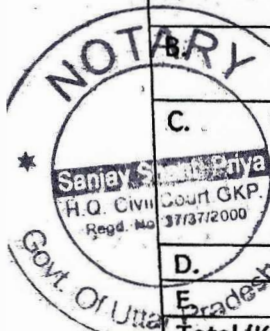


Sanjay Shanti Priya
NOTARY
GORAKHPUR

Elevation	26°44'55.65"N 83°13'49.01"E 26°44'55.86"N 83°13'47.87"E 26°44'53.53"N 83°13'47.49"E
Nearest habituated area	Bokta, Approx. 0.64 km towards NNE
Nearest Main Public Road	Gorakhpur Road, approx. 0.19 km in North direction
Nearest Railway station/Airport	Sahjanwa Railway Station, approx. 2.15 km towards North direction. Gorakhpur Airport is located at 21.15 Km in ESE direction
Nearest water body	Rapti River, approx. 2.12 km in East direction Ami River, approx. 3.56 km in SSW direction
Water requirement	Water requirement for the proposed CBWTF project is 11 KLD. Fresh- 7.10 KLD Recycled- 3.90 KLD
Source of water	Water requirement will be met through bore wells
Wastewater Generation	Waste water generated from the treatment of Biomedical waste during autoclaving, washing of floors, and domestic purpose etc. is 5.25 KLD and it shall be treated in effluent treatment plant and reuse in process.
Man Power	During Construction phase, the labors and workers will be hired from nearby villages. Total 20 persons are proposed to hire for plant operation including officers, skilled and unskilled workers.
Air Pollution Control Device	Wet Scrubber, Cyclone and Bag Filter, Venturi Scrubber
Nos. of Stack	2
Power requirement	DG Set of 82.5 KVA is proposed for the project and lines will be taken from the authorized electricity board. ~ 1% of the total power load will meet through solar energy.
Alternative site	No Alternative site is examined
Land form, Land use and land ownership	The land for project is Plot No.A-2/36 Sector 15 at Gorakhpur Industrial Development Authority (GIDA) Gorakhpur, Uttar Pradesh.
Estimated cost	Rs. 3.87 Cr.

7. Water requirement details:

S. No.	Requirement for	Water Consumption	Process Losses	Waste water generation	ETP losses	Recycled/ Reuse
A.	Process (Scrubbing)	2.40	1.40	1.00	0.20	0.80
	Steam Generation (Autoclaving)	0.20	0.05	0.15	0.05	0.10
C.	Miscellaneous i.e., Floor washing, Vehicle washing etc.	3.80	0.20	3.60	0.60	3.0
D.	Domestic Purpose	0.60	0.10	0.50	0.00	0.00
E.	Green Belt	4.0	4.0	0.00	0.00	0.00
Total (KL/Day)		11.0 7.10 (Fresh) + 3.90 (Recycle)	5.75	5.25	0.85	3.90
<p>Wastewater (4.75 KLD) is being generated from the Industrial Process will be subjected</p>						



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to Proposed ETP (Capacity - 100 KLD). Treated water from (3.90 KLD) will be reused in scrubber for cooling purpose and green belt purpose.

- The entire system shall be a zero discharge system in terms of wastewater discharge from the process as recirculated through ETP.
- Domestic Wastewater shall be treated in a soak pit/septic tank.

8. Solid/hazardous waste details:

Total No. of Employees	20
Assuming per capita solid waste generation rate as	0.2 kg/capita/day
Quantity of solid waste generated	4.0 kg/day
Organic solid waste : 60 % of the total waste	2.40 kg/day
Inorganic solid waste : 40 % of the total waste	1.60 kg/day
Disposal of domestic solid waste	Domestic wastes are segregated at source, collected in bins and composted.

9. The project proposal falls under category-7(da) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee Meeting (SEAC) held on 07-06-2023 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting held 16-06-2023 and recommended grant of environmental clearance on the proposal as above alongwith standard environmental clearance conditions prescribed by MoEF&CC, GoI and following additional conditions:

Additional Conditions:

1. Proposed CBWTF shall comply with the revised guidelines issued by CPCB on December 21st 2016 with respect to location criteria.
2. In case, the number of beds is exceeding >10,000 beds in a locality and the existing treatment capacity is not adequate, in such a case, a new CBWTF may be allowed in such a locality in compliance with various provisions notified under the Environment (Protection) Act, 1986, to cater services only to such additional bed strength of the HCFs.
3. In compliance to Hon'ble Supreme Court order dated 13/01/2020 in IA no. 158128/2019 and 158129/2019 in Writ petition no. 13029/1985 (MC Mehta Vs. GoI and others) anti-smog guns shall be installed to reduce dust during excavation.
4. Proponent shall comply with the action plan and CSR plan submitted by PP/consultant at the time of EIA presentation.
5. The project proponent should develop green belt in the CBWTF unit as per the plan submitted and also follow the guidelines of CPCB/Development authority for green belt as per the norms.
6. Project proponent should invest the CSR amount as per the proposal and submit the compliance report regularly to the concerned authority/Directorate of environment.

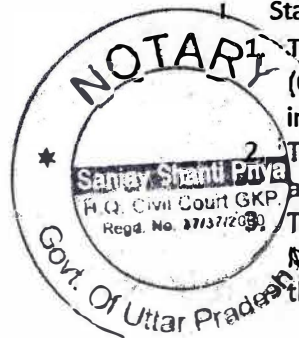
Standard Environmental Clearance Conditions prescribed by MoEF&CC:

1. Statutory compliance:

1. The project proponent shall obtain forest clearance under the provisions of the Forest (Conservation) Act, 1986, in case of the diversion of forest land for non-forest purpose involved in the project.

2. The project proponent shall obtain clearance from the National Board for Wildlife, if applicable.

3. The project proponent shall prepare a Site-Specific Conservation Plan & Wildlife Management Plan and be approved by the Chief Wildlife Warden. The recommendations of the approved Site-Specific Conservation Plan / Wildlife Management Plan shall be



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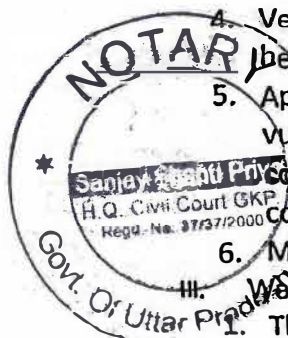
implemented in consultation with the State Forest Department. The implementation report shall be furnished along with the six-monthly compliance report. (in case of the presence of schedule-I species in the study area)

The project proponent shall obtain Consent to establish/Operate under the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974 from the concerned State Pollution Control Board/ Committee.

5. Transportation and handling of Bio-medical Wastes shall be as per the Biomedical Wastes (Management and Handling) Rules, 20016 including section 129 to 137 of Central Motor Vehicle Rules 1989.
 6. The project shall fulfill all the provisions of hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2016 including collection and transportation design etc and also guidelines for Common Hazardous Waste Incineration – 2005, issued by CPCB Guidelines of CPCB/MPPCB for Bio-medical Waste Common Hazardous Wastes incinerators shall be followed.
 7. The project proponent shall obtain the necessary permission from the Central Ground Water Authority, in case of drawl of ground water / from the competent authority concerned in case of drawl of surface water required for the project.
 8. A certificate of adequacy of available power from the agency supplying power to the project along with the load allowed for the project should be obtained.
 9. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department shall be obtained, as applicable by project proponents from the respective competent authorities
- ii. Air quality monitoring and preservation:
1. The project proponent shall install an emission monitoring system including Dioxin and furans in monitor stack emission with respect to standards prescribed in Environment (Protection) Rules 1986 and connected to SPCB and CPCB online serves and calibrate these systems from time to time according to equipment supplier specification through labs recognized under Environment (Protection) Act, 1986 or NABL accredited laboratories.
 2. Periodical air quality monitoring in and around the site including VOC, HC shall be carried out.
 3. Incineration plants shall be operated (combustion chambers) with such temperature, retention time and turbulence, to achieve Total Organic Carbon (TOC) content in the slag and bottom ashes less than 3% or their loss on ignition is less than 5% of the dry weight of the material.
 4. Venture scrubber (alkaline) should be provided with the incinerator with stack of adequate height (Minimum 30 meters) to control particulate emission within 50 mg/Nm³.
 5. Appropriate Air Pollution Control (APC) system shall be provided for fugitive dust from all vulnerable sources, so as to comply with prescribed standards. All necessary air pollution control devices (quenching, Venturi scrubber, mist eliminator) should be provided for compliance with emission standards.
 6. Masking agents should be used for odour control.

iii. Water quality monitoring and preservation:

1. The project proponent shall install effluent monitoring system with respect to standards prescribed in Environment (Protection) Rules 1986 through labs recognized under Environment (Protection) Act, 1986 or NABL accredited laboratories.
2. Waste water generated from the facility shall be treated in the ETP and treated waste water shall be reused in the APCD connected to the incinerator. The water quality of treated effluent shall meet the norms prescribed by State Pollution Control Board. Zero discharge should be maintained.
3. Process effluent/any waste water should not be allowed to mix with storm water.



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4. Total fresh water use shall not exceed the proposed requirement as provided in the project details. Prior permission from the competent authority shall be obtained for use of fresh water.
 5. A sewage Treatment Plant shall be provided to treat the wastewater generated from the project. Treated water shall be reused within the project.
 6. A certificate from the competent authority for discharging treated effluent/ untreated effluents into the Public sewer/ disposal/drainage systems along with the final disposal point should be obtained.
 7. The leachate from the facility shall be collected and treated to meet the prescribed standards before disposal.
 8. Magnetic flow meters shall be provided at the inlet and outlet of the ETP & all ground water abstraction points and records for the same shall be maintained regularly.
 9. Rain water runoff from the hazardous waste storage area shall be collected and treated in the effluent treatment plant.
- IV. Noise monitoring and prevention:
1. The ambient noise levels shall conform to the standards prescribed under E(P)A Rules, 1986 viz. 75 dB(A) during daytime and 70 dB(A) during night-time.
- V. Energy Conservation measures:
1. Provide solar power generation on roof tops of buildings, for the solar light system for all common areas, street lights, parking around the project area and maintain the same regularly;
 2. Provide LED lights in their offices and residential areas
- VI. Waste management:
1. Incinerated ash shall be disposed of at approved TSDF and MoU made in this regard shall be submitted to the Ministry prior to the commencement.
 2. The solid wastes shall be segregated as per the norms of the Solid Waste Management Rules, 2016.
 3. A certificate from the competent authority handling municipal solid wastes should be obtained, indicating the existing civic capacities of handling and their adequacy to cater to the M.S.W. generated from the project.
 4. Any wastes from construction and demolition activities related thereto shall be managed so as to strictly conform to the Construction and Demolition Rules, 2016
 5. No landfill site is allowed within the CBWTF site.
 6. The Project proponent shall not store the Hazardous Wastes more than the quantity that has been permitted by the CPCB/SPCB.
- VII. Green Belt:
1. Green belt shall be developed in the area as provided in project details, with native tree Green belt shall be developed in an area equal to 33% of the plant area with a native tree species in accordance with CPCB guidelines. The greenbelt shall inter alia cover the entire periphery of the plant.
- Public bearing and Human health issues:
1. Feeding of materials/Bio-medical waste should be mechanized and automatic no manual feeding is permitted.
 2. Proper parking facility should be provided for employees & transport used for collection & disposal of waste materials.
 3. Necessary provision shall be made for fire-fighting facilities within the complex.
 4. An emergency preparedness plan based on the Hazard Identification and Risk Assessment (HIRA) and Disaster Management Plan shall be implemented.
 5. An emergency plan shall be drawn in consultation with SPCB/CPCB and implemented in order to minimize the hazards to human health or the environment from fires, explosions or



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any unplanned sudden or gradual release of hazardous waste or hazardous waste constituents to air, soil or surface water.

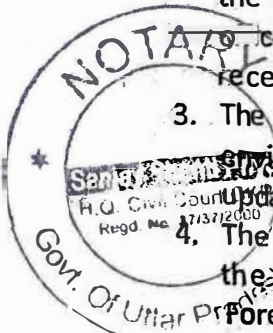
6. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, creche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.
7. Occupational health surveillance of the workers shall be done on a regular basis.

IX. Corporate Environment Responsibility:

1. The project proponent shall comply with the provisions contained in this Ministry's OM vide F.No. 22-65/2017-IA.11 dated 1st May 2018, as applicable, regarding Corporate Environment Responsibility.
2. The company shall have a well laid down environmental policy duly approved by the Board of Directors. The environmental policy should prescribe standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest /wildlife norms/ conditions. The company shall have defined system of reporting infringements / deviation / violation of the environmental / forest / wildlife norms / conditions and / or shareholders / stake holders. A copy of the board resolution in this regard shall be submitted to the MoEF&CC as a part of the six-monthly report.
3. A separate Environmental Cell both at the project and company head quarter level, with qualified personnel shall be set up under the control of senior Executive, who will directly to the head of the organization.
4. Action plan for implementing EMP and environmental conditions along with the responsibility matrix of the company shall be prepared and shall be duly approved by the competent authority. The year-wise funds earmarked for environmental protection measures shall be kept in a separate account and not be diverted for any other purpose. Year wise progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six Monthly Compliance Report.
5. A self-environmental audit shall be conducted annually. Every three years third-party environmental audit shall be carried out.

Miscellaneous:

1. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of MoEFCC/SEIAA website where it is displayed
2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
3. The project proponent shall upload the status of compliance with the stipulated environment clearance conditions, including results of monitored data on their website and update the same on half-yearly basis.
4. The project proponent shall submit six-monthly reports on the status of the compliance of the stipulated environmental conditions on the website of the Ministry of Environment, Forest and Climate Change at the environment clearance portal.
5. The project proponent shall submit the environmental statement for each financial year in Form-V to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently and put on the website of the company.
6. The criteria pollutant levels namely; SPM, RSPM, SP, NOx (ambient levels as well as stack



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- emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
7. The project proponent shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities, commencing the land development work and start of production operation by the project.
 8. The project authorities must strictly adhere to the stipulations made by the State Pollution Control Board and the State Government.
 9. The project proponent shall abide by all the commitments and recommendations made in the EIA/EMP report, commitments made during Public hearings and also that during their presentation to the Expert Appraisal Committee.
 10. No further expansion or modifications in the plant shall be carried out without prior approval of the Ministry of Environment, Forests and Climate Change (MoEF&CC).
 11. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
 12. The Ministry may revoke or suspend the clearance if the implementation of any of the above conditions is not satisfactory.
 13. The Ministry reserves the right to stipulate additional conditions if found necessary. The Company in a time-bound manner shall implement these conditions.
 14. The Regional Office of this Ministry shall monitor compliance with the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data/information/monitoring reports.
 15. The above conditions shall be enforced, Inter-alia under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016 and the Public Liability Insurance Act, 1991 along with their amendments and rules and any other orders passed by the Hon'ble Supreme Court of India / High Courts/NGT and any other Court of Law relating to the subject matter.
 16. Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

Concealing factual data and information or submission of false/fabricated data and failure to comply with any of the conditions stipulated in the Prior Environmental Clearance attract action under the provision of Environmental (Protection) Act, 1986.

This Environmental Clearance is subject to ownership of the site by the project proponents in confirmation with approved Master Plan for Gorakhpur. In case of violation; it would not be effective and would automatically be stand cancelled.

The project proponent has to ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of the violation this permission shall automatically be deemed to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this Clearance shall automatically be deemed to be cancelled.

Further project proponent has to submit the regular 6 monthly compliance report regarding general & specific conditions as specified in the E.C. letter and comply the provision of EIA Notification 2006 (as Amended).

These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006 including the amendments and rules made thereafter.

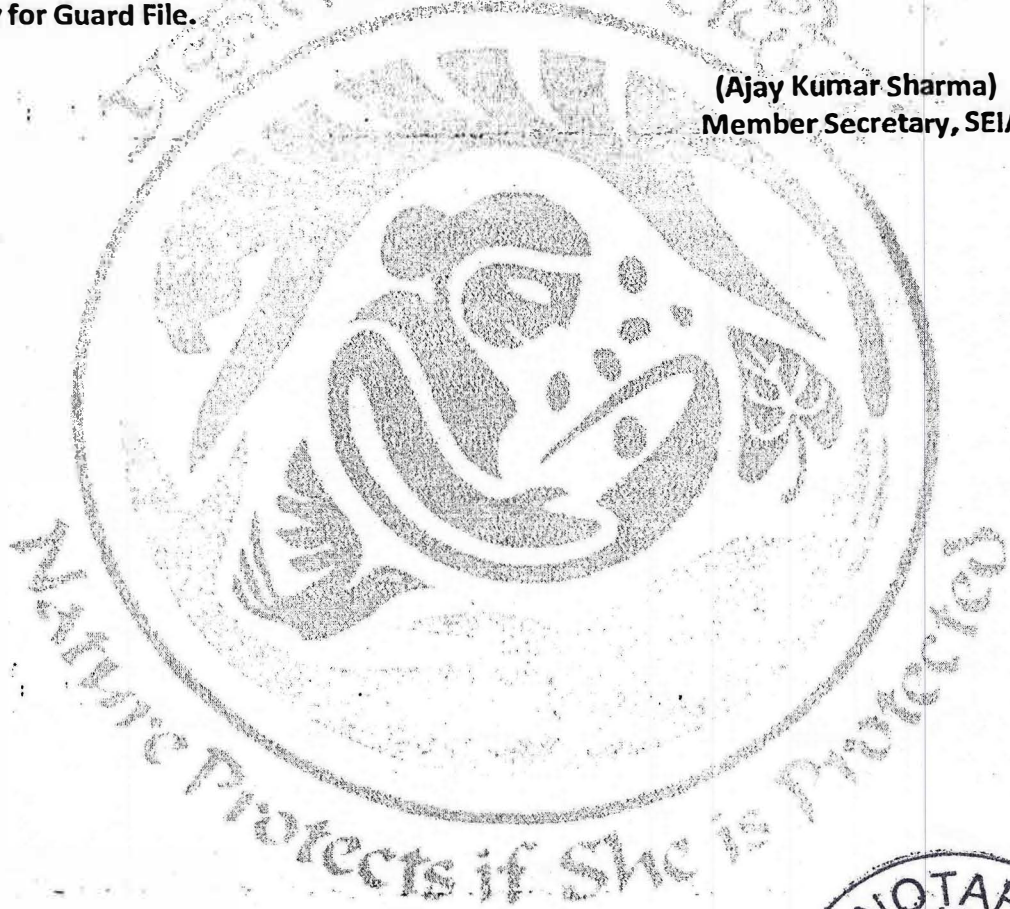
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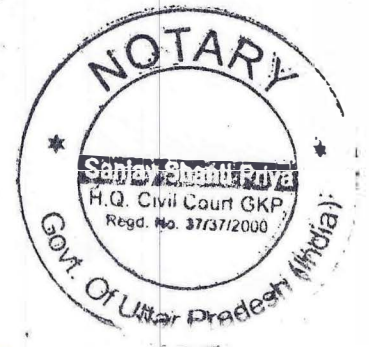
Copy, through email, for information and necessary action to –

1. Additional Chief Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – rocz.lko-mef@nic.in)
4. District Magistrate, Gorakhpur.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
6. Copy to Web Master for uploading on PARIVESH Portal.
7. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA



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Member Secretary
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VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 749 OF 2024

IN THE MATTER OF:

Ajay Kumar Singh

...Applicant

Versus

State Level Environment Impact Assessment Authority, U.P. & Ors.

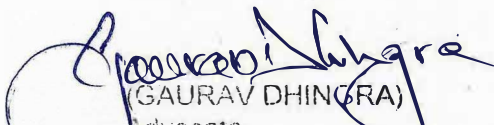
... Respondents

VAKALATNAMA


I/We the undersigned RESPONDENT No. 9 in the above matter hereby retain and appoint, **Shri. GAURAV DHINGRA**, to act and appear for me in the above case on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceedings in taxation and application for Review to file and obtain return of documents and to deposit and receive money on my behalf in the said appeal and application of Review and to represent us and to take all necessary steps on our behalf in the above matter. I agree to ratify all acts done by the aforesaid advocate in pursuance of this authority.

Dated this the 5 day of Dec, 2024.

Accepted, identified and satisfied


(GAURAV DHINGRA)
Advocate

GAURAV DHINGRA
Advocate-on-Record
35, Lawyer's Chamber,
Supreme Court of India
New Delhi-110001
Mobile: 9873475990
Email: mcdhingra@gmail.com


[Signature]
Respondent No. 9

**OSD
GIDA**

