

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 645 OF 2023

IN THE MATTER OF:
LALIT KUMAR JAIN

..... PETITIONER

VERSUS

STATE OF U.P. & ORS.

.... RESPONDENTS

INDEX

Sl. No	Particulars	Pages
1.	Affidavit filed on behalf of Uttar Pradesh Pollution Control Board.	1 - 3
2.	<u>ANNEXURE-1</u> Status Report	4 - 7
3.	Proof of Service	8

NEW DELHI

DATED: 05.09.2024



(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board,

138, New Lawyers Chamber,

Supreme Court of India,

New Delhi-110001

(M.) 9810252518

Email: pradeepmisra@yahoo.com

BEFORE THE NATIONAL GREEN TRIBUNAL AT
NEW DELHI

ORIGINAL APPLICATION NO. 645 OF 2023

IN THE MATTER OF:
LALIT KUMAR JAIN

.....APPLICANT

VERSUS

STATE OF U.P.

.....RESPONDENT

AFFIDAVIT ON BEHALF OF U.P. POLLUTION CONTROL
BOARD

I, Bhuvan Prakash Yadav, S/o. Shri C.L. Yadav, aged about 46 years. Regional Officer, U.P. Pollution Control Board, Meerut, U.P. at present at New Delhi do hereby solemnly affirm and declare as under:

1. That I in the abovenoted capacity am well conversant with the facts and records of the present case, hence am competent to swear this affidavit.
2. That abovenoted matter came up for hearing on 22.05.2024 when this Hon'ble Tribunal pleased to pass the following order:



"... 3. During the course of argument, the reply of the Respondent No. 3 in paragraph 3 is pointed out which states that in future the box culvert of RCC on both sides of the canal will be made to ensure that no drain flows into the canal. The details thereof have not been placed on record. Hence, we require Respondent No. 3 to place the details on record in the next report.

4. The action taken report on behalf of respondent - UPPCB has also been filed disclosing that the Environmental Compensation (EC) of Rs. 2.30 crores at the rate of Rs. 5 lakh per month has been imposed upon Respondent No. 3 for the period from 01.07.2020 to 30.04.2024 (46 months).

5. Learned Counsel for UPPCB has informed that the amount has not been deposited as the one week time for deposit of the amount given to the Respondent No. 3 is not yet over. Hence, in the next report, the UPPCB will disclose the status of recovery of the EC.

6. List on 10.09.2024....."

3. That in compliance of the above order, status report is being submitted as **Annexure-1**.
4. That as the Nagar Palika Parishad, Baraut has not deposited the Environmental Compensation of Rs. 2.30



Crores, request has been made to the Collector, Baghpat to recover the said amount vide letter dated 27.08.2024.

[Signature]
DEPONENT

VERIFICATION:

I, the abovenamed deponent, do hereby verify that the contents of above affidavit are true to my knowledge and belief. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 03rd DAY OF SEPTEMBER, 2024 AT NEW DELHI.

[Signature]
DEPONENT



ATTESTED
[Signature] 03.09.24
DIPANKAR DAS
ADVOCATE
NOTARY PUBLIC
REGD. NO. 916
GOVT. OF INDIA
LAWYERS ON
SUPREME COURT OF INDIA
NEW DELHI

[Signature]
3

Annexure - 1

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

O.A. No. 645/2023

IN THE MATTER OF:

Lalit Kumar Jain

....Applicant

VERSUS

State of Uttar Pradesh

.....Respondent

**STATUS REPORT ON BEHALF OF U.P. POLLUTION
CONTROL BOARD.**

1- That Hon'ble NGT has passed an order dated 22.05.2024 in OA No. 645 of 2023, Lalit Kumar Jain Vs. State of Uttar Pradesh. The operative portion of the order is as under :-

"..... 3. During the course of argument, the reply of the Respondent No. 3 in paragraph 3 is pointed out which states that in future the box culvert of RCC on both sides of the canal will be made to ensure that no drain flows into the canal. The details thereof have not been placed on record. Hence, we require Respondent No. 3 to place the details on record in the next report.

4. The action taken report on behalf of respondent - UPPCB has also been filed disclosing that the Environmental Compensation (EC) of Rs. 2.30 crores at the rate of Rs. 5 lakh per month has been imposed upon Respondent No. 3 for the period from 01.07.2020 to 30.04.2024 (46 months).

5. Learned Counsel for UPPCB has informed that the amount has not been deposited as the one week time for deposit of the amount given to the Respondent No. 3 is not yet over. Hence, in the next report, the UPPCB will disclose the status of recovery of the EC.

6. List on 10.09.2024....."

P.T.O.

2- That U.P. Pollution Control Board has imposed Environmental Compensation of Rs. 2.30 Crores on Nagar Palika Parishad, Baraut vide letter dated 17.05.2024. However, Nagar Palika Parishad, Baraut has not deposited the said Environmental Compensation.

3- That for recovery of Environmental Compensation of Rs. 2.30 Crores on Nagar Palika Parishad, Baraut, U.P. Pollution Control Board, Lucknow vide letter No. H-16171/C-3/NGT-375/OA645/2023/2024 dated 27.08.2024 requested the Collector, Baghpatto recover the said compensation. True copy of the said letter is enclosed as Annexure-1.

The above report is submitted before this Hon'ble Tribunal for kind perusal and consideration please.

Prakash
3/9/24
(Bhuvan Prakash Yadav)
Regional Officer,
UPPCB, Meerut

5



उत्तर प्रदेश दूषण नियंत्रण बोर्ड

24/08/2024

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ संख्या 116/17

1 सी-3/NGT-375/OA-645/23/2024

दिनांक 27/8/2024

To,

The Collector,
District Meerut, Baghpat

Subject: Regarding collection/recovery of Environmental Compensation imposed on Nagar Palika Parishad, Baraut by Board.

Vide its order dated 21-12-2023 in OA No. 645/2023, Lalit Kumar Jain Vs. State of U.P. the Hon'ble National Green Tribunal, New Delhi has passed the following directions;

"..... 2. The response on behalf of the UPPCB has been filed disclosing that UPPCB had constituted a Joint Committee and the said Joint Committee had carried out inspection and had found that garbage and plastic was littered in the entire length of Rajwahe in the town area. The report of the UPPCB further reveals that sewage/septic tanks over flow (grey sewage), of adjacent area of both sides of Rajwahe in whole length of population, is being discharged in Rajwahe through local nales and individual outlets. The sewage discharge in Rajwahe is approximately 1.5 MLD....

3. Though, the Municipal Council has failed to discharge its responsibility to prevent the discharge of sewage and other pollutants in the canal in question but the report of the UPPCB does not reflect any action by the local authorities including the action of imposition of Environmental Compensation (EC)."

Further, please refer to H.O. letter No. H11053/C-3.NGT-375/OA-645/23/2024 dated 17-05-2024 on the above subject. It is to inform you that vide letter dated 17-05-2024 UPPCB has imposed Environmental Compensation of Rs. 2.30 Crore against Nagar Palika Parishad Baraut at the rate of 05 lakh per month from 01-07-2020 to 30-04-2024 in compliance of the Hon'ble NGT's order passed in OA No. 593/2017 Paryavaran Suraksha Samiti & Ors. V/s UOI.

As per the latest order passed by Hon'ble NGT in OA No. 645/2023, Lalit Kumar Jain Vs. State of U.P. "..... 4. The action taken report on behalf of respondent - UPPCB has also been filed disclosing that the Environmental Compensation (EC) of Rs. 2.30 crores at the rate of Rs. 5 lakh per month has been imposed upon Respondent No. 3 for the period from 01.07.2020 to 30.04.2024 (46 months). 5. Learned Counsel for UPPCB has informed that the amount has not been deposited as the one week time for deposit of the amount given to the Respondent No. 3 is not yet over. Hence, in the next report, the UPPCB will disclose the status of recovery of the EC. "

As per the office records the Environmental Compensation imposed against Nagar Palika Parishad Baraut has not realized till date and the O.A. is listed on 10-09-2024.

Hence, in view of above Board is being issued direction to you for recovery of the imposed Environmental Compensation under the U.P. Public Money Recovery of dues (Amendment) Act, 1972.

The sum of Rs. 2,30,00,000./- (Rupees Two Crore Thirty Lakhs only) is payable by Nagar Palika Parishad Baraut on account of Environment Compensation and the Name, Designation and Address of the concerned person of Nagar Palika Parishad Baraut is as follows:

1. Shri. Manoj Kumar Rastogi
Executive Officer,
Nagar Palika Parishad Baraut
Baghpat
Mobile No. 8179077887

6

.....2

-2-

You are hereby requested to recover the same as land revenue and deposits it into the dedicated account of UPPCB opened in ICICI Bank, Vibhuti Khand-II Branch, Gomti Nagar, Lucknow. The URL of payment gateway is <https://erp.eshiksa.net/DirectFeesv3/UPPCB>. The cost of the proceedings if any shall be recovered.

1) Amount to be recovered - Rs. 2.30 Crore

Yours Sincerely,


(Sanjeev Kumar Singh)
Member Secretary

CC:-Regional Officer, UPPCB,Meerut.


Member Secretary



130

OA No 645 of 2023 Lalit Kumar Jain Vs State of U P

From: Pradeep Misra (pradeepmisra@yahoo.com)

To: ankit.scngtup@gmail.com

Date: Friday, September 6, 2024 at 10:54 AM GMT+5:30

Sir,
Please find attached the Document
With Regards,

(PRADEEP MISRA)



Lalit Kumar Counter.pdf
451.6kB