

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO 465 OF 2023

IN THE MATTER OF:

ASHISH SHARMA

.....APPLICANT

VERSUS

STATE OF U.P. & Ors

..RESPONDENTS

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Dated: 29th Feb 2024

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ORIGINAL APPLICATION NO 465 OF 2023

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REJOINDER/ REPLY ON BEHALF OF THE APPLICANT TO
THE REPLY FILED BY THE PROJECT PROPONENT M/S
GAURSONS PROMOTERS PVT. LTD ALONG WITH
AFFIDAVIT.

MOST RESPECTFULL SHOWETH:

1. That the Applicant is filing the present rejoinder to the reply filed by the Respondent no.4, Project Proponent M/s Gaursons Promoters Pvt. Ltd. It is stated that the applicant denies, refutes and traverses in extenso and in extremity each and every averment, contention, statement, submissions, allegations made and contained in the 'Reply filed by the Respondent', as being incorrect, baseless, misconceived, frivolous, vexatious and untenable in facts, contract and in law and nothing contained in the 'Reply' filed by the Respondent, under reply is deemed to be admitted by the Applicant unless expressly admitted herein.

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2. It is stated that the applicant lives on the 16th floor of Tower-1, 14th Avenue, and has approached this Hon'ble Tribunal after collective suffering of residents of the 14th Avenue project from the foul smell emanating from waste disposal and collection system/centre installed, which has been built in the basement of the Tower-1. It is stated that the respondent no-4/ project proponent, has been in continuous disregard of the suffering of the residents and blatantly in violation of laws, has failed to take any corrective steps to stop the foul smell and suffering of the residents. It is pertinent to mention here that the '14th Avenue' project consists of total of 21 towers comprising of a total of 4693 flats and presently more than 3800 families resides there. Meaning there by more than 17,100 residents are living there. Due to the poor management of waste disposal, residents have been in continuous suffering which has caused a major health issues among the resident of the tower. It is after exhausting all the remedies, that the applicant on behalf of the residents of the '14th Avenue' was forced to approach this Hon'ble Tribunal for efficacious remedy.

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3. Applicant submits that as mentioned in the preceding para, applicant made its grievances to the Hon'ble Tribunal vide his email dated 10.05.2023 praying for issuance of direction for proper solid waste management by the project proponent, respondent no.4 herein. It was the grievance of the residents of the 14th Avenue that the Project Proponent has constructed and established a waste collection centre in the **basement** of the Tower-1 situated in the centre of the project. All the garbage and wastes generated by the residents living there are collected and dumped there for disposal. The garbage emits extremely foul smell which is causing severe health issues and physical and mental distress to the residents living there. Continuous complaint to the project proponent has been made but no steps have been taken by it to address this grave health issue.
4. Taking cognizance of the averment made by the Applicant, the Hon'ble Tribunal vide Order dated 03.08.2023 passed directions as under:

"5. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to ascertain the factual position and take appropriate remedial action. Accordingly, we



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constitute a Joint Committee comprising of Uttar Pradesh State Pollution Control Board, the Commissioner, Municipal Corporation, Greater Noida and the District Magistrate, Gautam Budh Nagar and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position particularly compliance with the Solid Waste Management Rules, 2016 and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent. The UPPCB will be the nodal agency for coordination and compliance.

6. Factual and Action taken Report may be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. We also consider it appropriate to seek response from the Project Proponent- M/s Gaursons Promoters Pvt. Limited, Gaur Bitz Park, Plot No.1, Abhay Khand-2, Shanti Vihar, Indrapuram, Ghaziabad. The Registry is directed to issue notice to the Project Proponent requiring it to file its 3 response to the averments made in the application within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF."

5. It is submitted that in compliance of the above order dated 03.08.2023 of the Hon'ble Tribunal, a report of the Joint Committee has been filed vide email dated 07.11.2023. The

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main observation on the report of the Joint Committee has been noted further in the Order dated 05.01.2024 by the Hon'ble Tribunal as follows:-

"X XXXXX"

Main observations of the Joint Committee are as follows:

i. Project has installed Organic Waste Converter (OWC) Machine for processing and disposal of municipal solid waste generated from said project in basement. One exhaust pipe/ ducting is provided for same, which opens on the top floor.

ii. It was observed that there is a gap in the joints of the duct/exhaust pipe installed for the Organic Waste Converter (OWC) section, due to which foul smell was observed in nearby area.

iii. Project proponent has not provided logbook of OWC operations, daily electricity consumption of OWC, consumption of anti smell chemicals and copy of approved map by GNIDA with location of OWC.

iv. Project proponent has not provided generation of solid waste per day, details of disposal of solid waste (dry and wet), capacity of OWC and duration of operation of OWC per day, details of disposal of manure as informed to be produced by OWC installed at project.

- In view of above shortcomings observed by the Joint Committee, Regional officer, UPPCB,*

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Greater Noida (nodal agency) issued notice to the said project, vide letter dated 16.09.2023, copy of same is annexed as (Annexure-1.)

- *In view of above shortcomings observed by the Joint Committee, Show Cause Notice under section-5 of Environmental (Protection) Act, 1986 has been issued against the said project by the Competent Authority of UPPCB, Lucknow vide letter dated 01.11.2023, copy of same is annexed as (Annexure-2.)*
- *In compliance of notice dated 16.09.2023, project has submitted its reply on dated 03.11.2023 regarding shortcomings found during inspection, copy of same is annexed as (Annexure-3.)*
- *Photographs taken during inspection are annexed as Annexure-4.*
- *No reply is submitted by project in compliance of show cause notice issued by Board.*

3. Conclusion:

In view of above, the Joint Committee observed the shortcoming as mentioned above and action has been initiated by following due process of law."

6. It is stated that the aforesaid report clearly establishes the truthiness and facts of the grievances and sufferings of the residents of the 14th Avenue and the applicant herein. The project proponent has been in material breach of the solid



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waste management rules as propounded under the various Acts of Schedule I of the NGT Act-2010. The contents of the 'Notice dated 16.09.2023 (Annexure-1) and Notice dated 01.11.2023 (Annexure-2) to the Respondent no.4 itself establishes the fact that the Respondent no.4 (project proponent) has been in material breach of the solid waste management rules.

7. The respondent no.4 in its reply has alleged that it has been following all the rules and regulations for solid waste management at the 14th Avenue project /Gaur City -2 and therefore is in compliance with Solid Waste (Management & Handling) Rules, 2016 as published on 08.04.2016 by Ministry of Environment, Forest and Climate Change (MoEFCC). It is stated that the aforesaid statement is in teeth of the Show Cause Notice under section-5 of Environmental (Protection) Act, 1986 against the Respondent no.4 by the Competent Authority of UPPCB, Lucknow, vide letter dated 01.11.2023.
8. It is further stated that pursuant to the inspection by the 'Joint Committee', the respondent no.4 has tried to do the facial make-up of the collection centre by taking steps which are

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temporary but has not address the root cause of the problem. The Reply dated 03.11.2023 (Annexure-3, page-13 to 15 of the paperbook) submitted by the respondent no.4 states that the OWC Machine room/garbage room is located underneath Tower-I in Basement-1 and it has been sanctioned by Greater Noida Authority. Further it is stated that the Garbage Agency has been appointed by the Respondent no.4 to manage the system. It has also been stated that they are in compliance with the regulations stipulated in the Solid Waste (Management & Handling) Rules, 2016.

9. It is submitted that the Respondent no.4 very tacitly has submitted its reply suggesting that it has been following all the procedure as contained in the rule book. But the fact is that on bare perusal of the monthly report sheet attached at page no.66-72 suggests that the data sheets have been filled in one go by the data entry operator which only could suggests that records have not been maintained and only is lip service to avoid any adverse actions by the law enforcement agencies and this Hon'ble Tribunal. The bare perusal of the photographs attached with report also suggests that the respondent no.4 in

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order to show compliance, it has undertaken photo shoot event. Further, the Respondent no.4 has filed purchase order of bleaching powder and odour eliminator spray only for the month of September-2023 and no previous purchase order /receipt has been filed. This only shows that the action by the Respondent no.4 is only pursuant to the order issued by this Hon'ble Tribunal.

10. Further, in compliance of the Order dated 08.11.2023, the District Magistrate, Ghaziabad has filed its response through District Magistrate, Gautam Budh Nagar. In its report which is attached at page 79 of the file, it has been stated that inspection was carried on dated 29.12.2023 and was found that the collection, segregation and disposal of municipal solid waste generated from the project is being done properly by project. It is hereby submitted that during the said inspection, residents representative was not allowed to participate and was prevented from joining the said inspection by the project proponent personnel present there.
11. It is hereby stated that pursuant to the show cause notice dated 01.11.2023 issued by the UPPCB, the UPPCB has deemed it



appropriate to impose a penalty of Rs. 5,35,000/- on the project proponent (Respondent no.4) for breach of Solid Waste Management Rules, 2016. (Ref Page 94-96 of Paper book)

12. It is stated that inspite of the actions and steps taken by the project proponent and the various other respondents and the report submitted by the pollution control authority, the issue of foul smell emanating from the basement still persists. The leakages are still there. The following submissions needs to be noted without prejudice to the above and each other:

- The garbage collection centre and OWC machine is installed at the **basement** of the Tower-I. The same basement is also for parking of the residents vehicles.
- The exhaust duct is situated at only one side of the tower however, foul smell is emanating from the basement of the tower across all sides including the tower entry, podium and other floors. Gaps in the duct are not the only cause.
- The Respondent no.4 did a makeover of the garbage room and the contractor's uniform etc.just before the inspection; therefore these annexed photographs do not conform to the actual state of affairs of operation and maintenance the OWC.

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- The points notified by UPPCB to the builder vide Notice dated 16/09/23 are generic in nature. The Committee was informed by the residents during the 1st inspection that root problem of the foul smell, is the location of the waste collection center, right in the middle of the project under **basement-1** where garbage from 3800 (possessed flats) out of 4800 flats from 22 towers are collected and brought for disposal.
- From the monthly report for the month of October (page 16 of paper book/file), as could be seen that Respondent has reported that on an average 1700 kg/day biodegradable and 12000 kg non-biodegradable waste is collected in their report. As per NBC 2016 policy, ratio of biodegradable vs. non-biodegradable waste comes to be in the ratio of 40:60. So, if we consider the above data reported by Respondent, ratio of biodegradable vs. non-biodegradable waste comes to be around in the ratio of 14:84 which certainly is not as per policy. Biodegradable waste ought to have been at least 4800 kg/day. Meaning thereby the data given by the builder is false and fabricated with an intention to prove that the capacity of the plant is sufficient to handle the existing collection volumes of garbage.
- Current data given by builder is for 3800 flats or around 17,100 residents only. However, total number of flats in the project is around 4800. Respondent no.4 has claimed that the design of garbage plant is as per NBC 2016 policy. However, there is a huge gap between estimated weight and actual weight. Currently, 12000-16000 kg/day of waste is



being generated. At present the Respondent is trying to prove that it is just able to meet with the compliances. However, in reality the situation is worst in terms of garbage handling. With all 4800 flats when occupied, garbage management situation would get worse.

- The committee was informed that the duct on the wall causes vibration and noise pollution to the residents throughout the day.
- Duct gaps even though are one of the cause but not the root cause of the foul smell. The Respondent no.4 has claimed filling of the gaps with silicone. However, with the duct mounted on the wall running from basement to 30th floor, one side being clamped on the wall, running up till the roof, has not been filled with silicon glue and the gap remains there from one side.
- Respondent no.4 mentioned that silicon has been put into the gaps of the duct going from garbage room in the basement to the 30th floor from all the sides. This is not true, as the gaps remain the same and there is no evidence of completion of this exercise. The filling of silicon glue around the duct is also partially executed by the builder as the duct is fixed from one side to the wall and therefore filling cannot be performed on all four sides of the duct. Above 2-3 floors the filling is absent.
- More so, it is impossible to fill the gaps in the duct which is attached to the wall as that cannot be accessed from any side. The entire exercise has been to digress the focus



towards bad smell coming through leakages in the shaft, however, the actual issue is being the very location of the garbage collection in the basement and under the project centre coupled with poor handling of waste management. Still so, for whatever little impact silicon is a temporary solution as it will be easily washed in the rains. It is pertinent to inquire how the inspection of silicone filling was done by authorities when the duct itself is inaccessible.

- In referring photographs (page-64-65) as shared by Respondent, there is one photo of duct from OWC room. However, the other photos are of airway duct which itself is not in working condition. The photographs are misleading and also prove non operation of the ventilation ducts though not connected to this case.
- Further, all the car parking for the residents is in the basement of the tower. It becomes extremely difficult to access the parking because of the continuous foul smell and as well as due to noise pollution coming out of the operation of the compost machine.
- The guidelines of the authority in approving the OWC location at the center of the society need to be inquired which has led to such problem to the residents and caused an environmental and health issue. Presently the Exhaust System doesn't have any Air Scrubber (Smell Removal System) and hence air with foul smell is passing through the Air Exhaust duct. Since garbage in Garbage Plant produces the hazardous gases like Methane, it also produces significant amounts of dioxin and furan emissions. Dioxins

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and furans are considered by many to be serious health hazards. As the process should be that:

- A Garbage Treatment Plant must be placed at distance from Residential Hub.
 - It must be in isolation.
 - There must be system to bring the fresh air inside the enclosed plant room (Isolated area).
 - The Exhaust Air must be scrubbed (removing bad smell) before throwing it to the environment.
- Dry and wet waste is collected in the same dustbin by the garbage collector. The notice issued by UPPCB also confirms that the segregation was observed only in the waste collection room.
 - Anti-odor chemical application claim is also a lie as if it was being used regularly. It is stated that why in the first place the committee could observe the foul smell then?
 - The NBC 2016 rule states 40% organic waste and 60% inorganic waste. However, the builder is collecting 12570 kg/day inorganic waste while organic waste is only 1800 kg/day which is only 12% of total waste which may not be true, Hence, this data is fudged. Moreover, on complete possession of the 4800 flats this system shall be extremely short.
 - The project does not have enough green cover and therefore consumption of compost by the respondent no.4 is absolute

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lie. The green cover requirement as per rules need to be enquired, whether the respondent has met the stipulated green cover requirement under this project or not.

- The manure generation claim is absolute a farce.
- Source segregation of waste even to this day has not been complied with.
- The SOP is only on the paper and the team operating in the field do not practice as being claimed by the respondent no.4.
- During a visit by the Authority and UPPCB officials on 29th December 2023 the builder's employee threatened the residents who tried to reach out to the visiting officials during their visit in front of the officials themselves.

13. It is brought to the notice of this Hon'ble Tribunal that on similar complaint by the resident of the society, regarding foul smell emanating from the garbage collection and continuous noise pollution due to running of exhaust fan, UPPCB, Greater Noida, had issued show-cause notice dated 25.07.2022 to the respondent no.4.

True copy of the Notice no. 484/S-06/22 dated 25.07.2022 issued by Uttar Pradesh Pollution Control Board, Greater Noida, is annexed herewith and marked as **Annexure P-1**.

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14. It is also brought to the notice of the Hon'ble Tribunal that similar notice dated 14.09.2022 and 02.02.2023 was also again issued to the Respondent no.4 by the Uttar Pradesh Pollution Control Board, Grater Noida, However, the respondent no.4 failed to take any corrective action.

True copy of the Notice dated 14.09.2022 issued by Uttar Pradesh Pollution Control Board, Grater Noida, is annexed herewith and marked as **Annexure P-2**.

True copy of the Notice dated 02.02.2023 issued by Uttar Pradesh Pollution Control Board, Grater Noida, is annexed herewith and marked as **Annexure P-3**.

15. It is also brought to the notice of the Hon'ble Tribunal that Greater Noida Authority through Press Release dated 02.01.2024 has stated that among the many builders who have not installed and put to operation of the Sewerage Treatment Plant (STP), the Respondent no.4 (Gaur City 14 Avenue Sector -16-C Greater Noida) is one of the noticee.

True copy of the Press Release dated 02.01.2024 is annexed herewith and is marked as **Annexure P-4**.

16. At present the STP Plant installed in the parking area under I Tower Basement is not isolated and connected with Parking



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area. Since, odors coming out of OWC plant consists of Methane, Hydrogen Sulphide and Sulphur dioxide gases and other harmful Gases, it has two major repercussions:

- a. One, on Human health (can Create Acute respiratory and even cause death in some cases)
 - b. The assets like resident's valuable cars and motorbikes can get damaged when exposed to the aforesaid gases in some period.
17. The Electrical wires are not properly installed and loosely fitted which may lead to big fire incident as cars and bikes are parked adjacent to these wires and motors.
- a. A Plant must be installed at distance from Residential Hub.
 - b. If it is installed in an enclosed area, it must be in isolation.
 - c. There must be system to bring the fresh air inside the enclosed plant room (Isolated area)
 - d. There must be a duct system for exhaust Air.
 - e. Exhaust Air must be scrubbed (removing bad smell) before throwing it to the environment.

f. There must be fire fighting systems for Electrical panel.

18. Thus it is clear from the above that Respondent no.4 is in continuous breach of the environmental laws and has least concern for the environment.

19. It is submitted by the applicant herein that the reply filed by the respondent no.4 is mere a hog wash to the main issue. The installation of OWC machine in the basement of the building is itself the root cause of the foul smell. Disposal of waste collected at the basement of the tower is the main issue. It is need to be seen that –

a. *Whether* the respondent no.4 has followed the rules and regulations for installation and construction of Garbage collection and disposal system with due permission from the Pollution Control Board?

b. *Whether* the action of collection, segregation and treatment of domestic waste so generated can be permitted in the *basement* of the 30 storey tower or for such treatment a separate facility is to be constructed?



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- c. In the present case *whether* the sanctioned plan for OWC as approved by the GNIDA is as per UPPCB guidelines and rules?
- d. *Whether* the GNIDA have the authority to grant such permission at all in the first place since it is UPPCB which is the authorised entity to grant permission to the operator of a facility responsible for processing and disposal of solid waste?

The Respondent no.4 has not given any answers to these very issues.

20. It is humbly submitted that the selection of the site (*basement*) for the collection and installation of the OWC machine has exposed the resident of the Tower-1 to the filth and foul stench of the waste which is hazardous to their health. Several complaints have been made to the authorities and the Respondent no.4 as well to shift the garbage collection from the *basement* to a separate place but to no avail. It is pertinent to mention here that parking facility for the resident of the



Tower-I is also in the same basement thus exposing the residents to foul stench of the garbage.

21. It is further stated that the project '14 Avenue' falls under the category of Bulk Waste Generator".

Bulk Waste Generator has been defined in section 3(k) of Uttar Pradesh Municipal Solid Waste (Management & Handling) and Sanitation Rules/2019 as following:

"3(k) Bulk Waste Generator which means the owner, occupier or any other person representing owners and occupiers of House(s)/Flat(s), Group of Houses/Flats, housing society(s) / complex(s), Restaurant(s); Hotel(s), Market(s), Industrial Estate(s) and Shopping Complex(s) / Mall(s) and includes buildings occupied by the Central Government Ministries, Departments or Undertakings, State Government Departments or Undertakings, Local Bodies, Public Sector Undertakings or Private Companies, Hospital(s), Nursing Home(s), School(s), College(s), University(s), Other Educational Institutions, Hostel(s), Hotel(s), Commercial Establishment(s), Places of Worship, Stadia and Sports complexes, clubs, gymkhanas, marriage halls, recreation/entertainment complexes having an average waste generation rate exceeding 100kg per day; or other establishment sources /



premises that are specifically identified and notified by the officials of Urban Local Bodies.

Further, Operator of the facility has been defined as

(zcc) "operator of a facility / operator of concession" means a person or entity, who owns or operates the concession for handling, collection, sorting, storage, transportation, processing and disposal of municipal solid waste and it also includes any other agency appointed by the local body / municipal 14 authority for management and handling of municipal solid waste in its area and any other entity or agency appointed by the urban local body;

Further, 'nuisance' has been defined as

(zz) "nuisance" includes any act, omission, place, animal or thing which causes or is likely to cause injury, danger, annoyance or offense to the sense of sight, smell, hearing, breath, modesty and dignity or disturbance to movement, work, rest or sleep, or which is or may be dangerous to life or injurious to health or property;

22. Bare perusal of the above definition, it is clear that the action of the Respondent no.4 is in clear violation of the rules and regulations as envisaged under the extant law. The foul smell

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emanating from the collection and treatment of the garbage in the *basement* of the Tower-I is the sole cause of the health hazard being faced by the residents of the Tower-I and other towers.

23. It is further stated that nothing has been concealed from the Hon'ble Tribunal as being alleged by the Respondent no.4. The Applicant denies each and every averment of the respondent in its reply which is contrary to the facts as stated in the preceding paragraphs above. Respondent no.4 is in dominant position and therefore is trying to subvert the right of the residents for healthy and peaceful living. Residents have a reasonable expectation of a clean and healthy living environment.

24. In the instant case waste management practices of the Respondent no.4 infringe upon the property rights of residents/applicant and creates nuisance that significantly impacts the healthy and peaceful living. Because of the commission and omission of the act of the Respondent no.4, the residents are suffering from respiratory and other health issues. The case in hand is the glaring violation of the rights of the

residents. Facilities under Respondent no.4 does not have adequate infrastructure and utilities to ensure that there are no unsanitary and unhygienic conditions, nuisance to public or workers operating the facility.

25. It is submitted that waste disposal centre in the basement of the tower has created conditions that interfere with the use and enjoyment of the peaceful living in the properties. It is submitted that Hon'ble Courts have time and again intervened on numerous occasion when waste management practices result in offensive odors, health hazards, or other disturbances to the community. This intervention typically occurs within the framework of public nuisance law, which concerns activities or conditions that interfere with the reasonable use and enjoyment of property by others. Some of the factors which needs to be considered by this Hon'ble Tribunal are as follows:

- The nature and extent of the harm caused.
- The duration and frequency of the nuisance.
- The sensitivity of the affected community to the nuisance.
- The foresee ability of the harm.

- The availability of reasonable alternatives to mitigate the nuisance.

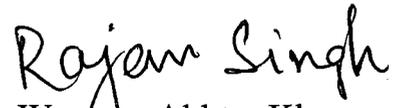
26. Hence the residents of the 14th Avenue, Gaur City -2, prays to this Hon'ble tribunal for issuance of direction for shifting of the entire waste collection and OWC machine from the basement of the Tower-1 to other location within the project premises so that the unhealthy environment and health hazard issues emanating from foul stench could be addressed and residents can live peacefully without any further health issues.

Prayed accordingly.



Ashish Sharma
Applicant

Through



Rajan Singh & Waseem Akhtar Khan
Counsel for the Applicant
Email-advrajansingh@gmail.com
Mobile-9818687710

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U.P.- 201304

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PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO 465 OF 2023

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ASHISH SHARMA

.....APPLICANT

VERSUS

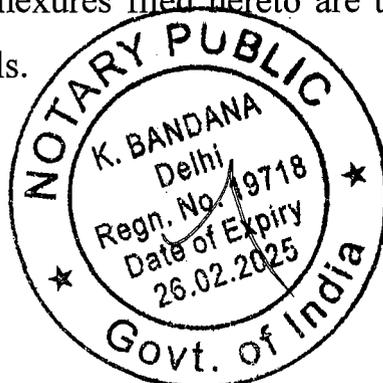
STATE OF U.P. & Ors

..RESPONDENTS

AFFIDAVIT

I, Ashish Sharma, S/o Rajesh Sharma Aged 40 years, R/o Flat no. 16066, 16th Floor, Tower-1, 14th Avenue, Gaur City-2, Greater Noida West, Uttar Pradesh, the applicant/petitioner herein above do hereby solemnly affirm and declare as under: **PRESENTLY AT DELHI**

1. That I am the applicant/petitioner in the above captioned O.A and am well conversant of the facts of the case and as such is competent to swear the present affidavit.
2. That the contents of the present reply/rejoinder to the reply filed by the Respondent no.4 (Project proponent) has been drafted by my counsel under my instruction and the contents of the paras 1 to 24 are true and correct and no part of it is false and nothing material has been concealed there from.
3. The annexures filed hereto are true copies of their respective originals.



Ashish
DEPONENT

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VERIFICATION

Verified at Delhi on this 29th Day of February, 2024 that the contents made in this affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.



DEPONENT

IDENTIFIED
Rajam Singh Adv.
29 FEB 2024



ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498



12^{वीं} क्षेत्रीय कार्यालय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, ग्रेटर नोएडा

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ए-1, प्रथम तल, कॉमर्शियल काम्प्लेक्स, बीटा-2, ग्रेटर नोएडा, गौतमबुद्धनगर

ई-मेल : rogreaternoida@uppcb.in, फोन/फैक्स- 0120-2321024

सन्दर्भ संख्या : 494/सा०-06/22

दिनांक : 25/07/2022

मेसर्स गौर सिटी-2 (14th एवेन्यू जीसी-14),
प्लॉट नं०-जी0एच0-03,
सेक्टर-16सी, ग्रेटर नोएडा,
गौतमबुद्धनगर।

Annexure P-1

विषय: वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 एवं ध्वनि प्रदूषण(विनियमन एवं नियंत्रण) नियम, 2000 के प्राविधानों के अनुपालन के सम्बन्ध में।

महोदय,

उपरोक्त विषयक परियोजना में स्थापित OWC(Organic Waste Converter) सेक्शन के संचालन से जनित दुर्गन्ध एवं ऐंक्जास्ट फैन के संचालन से ध्वनि प्रदूषण के सम्बन्ध में श्री सुरेश सिंह द्वारा आई0जी0आर0एस0 संख्या 60000220119676 के माध्यम से दिनांक 17.07.2022 को की गयी है, का संदर्भ ग्रहण करने का कष्ट करे। तत्कम में परियोजना का स्थलीय निरीक्षण इस कार्यालय के प्राधिकृत अधिकारियों द्वारा दिनांक 23.07.2022 को परियोजना प्रतिनिधि के रूप में श्री विवेक गौतम, वरिष्ठ फैसिलिटी मैनेजर की उपस्थिति में किया गया। निरीक्षण के दौरान परियोजना में स्थापित OWC(Organic Waste Converter)सेक्शन में ठोस अपशिष्ट का सेग्रिगेशन एवं सुचारु संचालन नहीं पाया गया एवं OWC(Organic Waste Converter) सेक्शन में अत्यधिक मात्रा में दुर्गन्ध व्याप्त पायी गयी एवं ऐंक्जास्ट फैन से जनित ध्वनि मानको से अधिक पायी गयी। निरीक्षण के दौरान पायी गयी कमियों के निराकरण हेतु निम्न बिन्दु के अनुपालन हेतु निर्देशित किया जाता है:-

- OWC(Organic Waste Converter) सेक्शन का सुचारु संचालन एवं एन्टी स्मेल केमिकल्स का नियमित छिड़काव सुनिश्चित किया जाये।
- परियोजना के आई ब्लॉक के छत पर स्थापित ऐंक्जास्ट फैन से जनित ध्वनि के नियंत्रण हेतु एन्टी वाइब्रेशन पैड की स्थापना सुनिश्चित किया जाये।
- परियोजना को संचालन हेतु प्राप्त सहमति जल/वायु शर्तों की अनुपालन आख्या प्रस्तुत की जाये।
- परियोजना से जनित नगरीय ठोस अपशिष्ट के निस्तारण का विवरण प्रस्तुत की जाये।

उक्त बिन्दुओं की अनुपालन आख्या पत्र प्राप्ति के एक सप्ताह में इस कार्यालय को प्रेषित किया जाना सुनिश्चित करें। अन्यथा की दशा में परियोजना के विरुद्ध नियमानुसार वर्णित अधिनियमों के अन्तर्गत पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुये कार्यवाही की जायेगी, जिसका सम्पूर्ण उत्तरदायित्व परियोजना एवं परियोजना के जिम्मेदार पदाधिकारियों का होगा।

भवदीय

(भुवन प्रकाश यादव)

क्षेत्रीय अधिकारी

प्रतिलिपि:-शिकायतकर्ता श्री सुरेश सिंह, प्लॉट नं० 30068, आई-टावर, 14th एवेन्यू गौर सिटी-2,
प्लॉट नं०-जी0एच0-03, सेक्टर-16सी, ग्रेटर नोएडा को सूचनार्थ।

क्षेत्रीय अधिकारी



क्षेत्रीय कार्यालय
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, ग्रेटर नोएडा

ए-1, प्रथम उत्तर, कॉन्वर्जेंट कॉम्प्लेक्स, बिल्डिंग-2, ग्रेटर नोएडा, गौतमबुद्धनगर

ई-मेल : uppcb@uppcb.gov.in, फोन/फैक्स-9128-023122

(28)

संदर्भ संख्या : 713/एनपी-ए-57/2L

दिनांक : 14/8/22

अनुस्मारक-1

मेसर्स गौर सिटी-2 (14th एवेन्यू जीसी-14),
प्लॉट नं०-जी0एच0-03,
सेक्टर-16सी, ग्रेटर नोएडा,
गौतमबुद्धनगर।

Annexure - P-2

विषय: वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 एवं ध्वनि प्रदूषण(विनियमन एवं नियंत्रण) नियम, 2000 के प्राविधानों के अनुपालन के सम्बन्ध में।

महोदय,

उपरोक्त विषयक परियोजना में स्थापित OWC(Organic Waste Converter) सेक्शन के संचालन से जनित दुर्गन्ध एवं ऐंक्जास्ट फैन के संचालन से ध्वनि प्रदूषण की शिकायत श्री सुरेश सिंह द्वारा आई0जी0आर0एस0 संख्या 60000220119676 एवं ई-मेल दिनांक 12.09.2022 प्राप्त हुई है, का संदर्भ ग्रहण करने का कष्ट करे। तत्कम में परियोजना का नवीनतम निरीक्षण दिनांक 12.09.2022 को इस कार्यालय के प्राधिकृत अधिकारियों द्वारा किया गया। निरीक्षण के दौरान परियोजना में स्थापित OWC(Organic Waste Converter) सेक्शन में ठोस अपशिष्ट का सेग्रिगेशन एवं सुचारु संचालन नहीं पाया गया एवं OWC(Organic Waste Converter) सेक्शन में अत्यधिक दुर्गन्ध व्याप्त पायी गयी एवं ऐंक्जास्ट फैन से जनित ध्वनि मानको से अधिक पायी गयी। परियोजना के पूर्व निरीक्षण में OWC(Organic Waste Converter) सेक्शन का सुचारु संचालन एवं एन्टी स्मेल केमिकल्स का नियमित छिड़काव, परियोजना के आई ब्लॉक के छत पर स्थापित ऐंक्जास्ट फैन से जनित ध्वनि के नियंत्रण हेतु एन्टी वाइब्रेशन पैड की स्थापना, परियोजना के आई ब्लॉक के छत पर स्थापित ऐंक्जास्ट फैन से जनित ध्वनि के नियंत्रण हेतु आवश्यकतानुसार एकास्टिक रूम में परिवर्तित किये जाने हेतु इस कार्यालय के पत्रांक 494/सा0-06/22 दिनांक 25.07.2022 द्वारा नोटिस प्रेषित किया गया है, किन्तु परियोजना द्वारा नोटिस का प्रतिउत्तर इस कार्यालय में प्रेषित नहीं किया गया है।

अतः आपको पुनः निर्देशित किया जाता है कि उपरोक्त कमियों का निरीकरण करते हुए अनुपालन आख्या पत्र प्राप्ति के एक सप्ताह में इस कार्यालय को प्रेषित किया जाना सुनिश्चित करें। अन्यथा की दशा में परियोजना के विरुद्ध नियमानुसार वर्णित अधिनियमों के अन्तर्गत कार्यवाही की जायेगी, जिसका सम्पूर्ण उत्तरदायित्व परियोजना एवं परियोजना के उत्तरदायी पदाधिकारियों का होगा।

भवदीय

(भुवन प्रकाश यादव)
क्षेत्रीय अधिकारी

प्रतिलिपि:-शिकायतकर्ता श्री सुरेश सिंह, प्लॉट नं० 30066, आई-टावर, 14th एवेन्यू, गौर सिटी-2,
प्लॉट नं०-जी0एच0-03, सेक्टर-16सी, ग्रेटर नोएडा को सूचनार्थ।

क्षेत्रीय अधिकारी



क्षेत्रीय कार्यालय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, ग्रेटर नोएडा

ए-1, प्रथम तल, कॉन्वेंशनल कॉम्प्लेक्स, वीटा-2, ग्रेटर नोएडा, गौतमबुद्धनगर

ई-मेल : regreasternoida@uppcb.in, फोन/फैक्स- 0120-4259379

सन्दर्भ संख्या : 1516/HMA-V-5322
सेवा में,

दिनांक : 02/02/23

मेसर्स गौर सिटी-2 (14जी एवेन्यू जीसी-14),
प्लॉट नं०-जी0एच0-03,
सेक्टर-16सी, ग्रेटर नोएडा,
गौतमबुद्धनगर।

Annexure 29
P-3

सन्दर्भ : आई0जी0आर0एस0 संख्या 80000220218923 दिनांक 27.11.2022।

विषय : ध्वनि प्रदूषण(विनियमन एवं नियंत्रण) नियम, 2000 के प्राविधानों के अनुपालन के सम्बन्ध में।

उपरोक्त विषयक आपके परियोजना में स्थापित OWC(Organic Waste Converter) सेक्टरन के ऐंक्वास्ट फैन के रात्रि में संचालन से जनित ध्वनि प्रदूषण के सम्बन्ध में श्री सुरेश सिंह द्वारा आई0जी0आर0एस0 संख्या 80000220218923 दिनांक 27.11.2022 शिकायत की गयी है, का संदर्भ ग्रहण करने का कष्ट करें। उक्त शिकायती पत्र में परियोजना में स्थापित ऐंक्वास्ट फैन को रात्रि में संचालन पर रोक लगाये जाने हेतु अनुरोध किया गया है। जिसके सम्बन्ध में आपको इस कार्यालय के पत्रांक 1448/सा0-57/2022 दिनांक 24.01.2022 द्वारा नोटिस प्रेषित किया गया है।

अतः उक्त के दृष्टिगत आपको पुनः निर्देशित किया जात है कि ध्वनि प्रदूषण (विनियमन एवं नियंत्रण) नियम, 2000 के प्राविधानों के अनुपालन में परियोजना में स्थापित ऐंक्वास्ट फैन का संचालन रात्रि 10 बजे से प्रातः 06 बजे तक न किया जाये, जिससे निवासियों को समस्या का सामना न करना पड़े।

भवदीय


(राधेश्याम)

क्षेत्रीय अधिकारी

9/

प्रतिलिपि-

1. जिलाधिकारी महोदय, गौतमबुद्धनगर को सूचनार्थ सादर प्रेषित।
2. थानाध्यक्ष, थाना-बिसरख, गौतमबुद्धनगर को इस आशय के साथ प्रेषित कि प्ररुनगत बिल्डर के विरुद्ध ध्वनि प्रदूषण (विनियमन एवं नियंत्रण) नियम, 2000 के प्राविधानों के अन्तर्गत कार्यवाही किया जाना सुनिश्चित करें।
3. शिकायतकर्ता श्री सुरेश सिंह, प्लॉट नं० 30088, आई-टावर, 14जी एवेन्यू, गौर सिटी-2, प्लॉट नं०-जी0एच0-03, सेक्टर-16सी, ग्रेटर नोएडा को सूचनार्थ प्रेषित।


क्षेत्रीय अधिकारी



ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण

प्लॉट नं. 1, नॉलेज पार्क-4, ग्रेटर नौएडा-201308, जिला गौतमबुद्ध नगर, उ.प्र.
फोन : 0120-2336030-33 | ईमेल : authority@gnida.in | वेबसाइट : www.greaternoidaauthority.in

प्रेस विज्ञप्ति

Annexure P-4 (30)

दिनांक: 2 जनवरी 2024

सोसाइटी के सीवर को शोधित करने के लिए मानकों के अनुरूप एसटीपी (सीवरेज ट्रीटमेंट प्लांट) का निर्माण व संचालन न करने वाले 28 और बिल्डर सोसाइटियों को ग्रेटर नौएडा प्राधिकरण ने नोटिस जारी किया है। प्राधिकरण ने एक सप्ताह में स्पष्टीकरण मांगा है। संतोषजनक जवाब न मिलने पर लीज डीड की शर्तों के अनुरूप कार्रवाई करने की चेतावनी दी है। इससे पहले प्राधिकरण ने 37 बिल्डर सोसाइटियों के लिए नोटिस जारी किए थे।

ग्रेटर नौएडा की अलग-अलग सोसाइटी के निवासियों ने ग्रेटर नौएडा प्राधिकरण के सीईओ एनजी रवि कुमार से शिकायतों की थी कि एसटीपी से शोधित किए बिना ही सीवरेज को नाले में बहाया जा रहा है। ग्रेटर नौएडा प्राधिकरण के सर्वे में भी कई सोसाइटियों में बने एसटीपी मानकों के अनुरूप नहीं मिले। इनमें से कुछ एसटीपी मानकों के अनुरूप बने नहीं हैं और कुछ का संचालन ठीक से नहीं हो रहा, जिसके चलते ग्रेटर नौएडा प्राधिकरण के एसीईओ आशुतोष द्विवेदी के निर्देश पर सीवर विभाग की तरफ से पूर्व में 37 बिल्डरों को नोटिस जारी किया गया था। अब 28 और बिल्डर सोसाइटियों के लिए नोटिस जारी किए गए हैं। नोटिस में प्राधिकरण ने एक सप्ताह में स्पष्टीकरण मांगा है। संतोषजनक जवाब न मिलने पर लीज डीड की शर्तों के अनुरूप कार्रवाई करने की चेतावनी दी है। एसीईओ आशुतोष द्विवेदी ने कहा कि जिन बिल्डरों ने अपने रिहायशी प्रोजेक्ट में एसटीपी नहीं बनाए हैं, वे एसटीपी बनाकर शीघ्र चालू करें। जिन सोसाइटियों में बने हैं वे उनको नियमित रूप से संचालित करें। सीवर को शोधित करना अनिवार्य है। शोधित पानी को उद्धानीकरण में उपयोग करें एनजीटी की तरफ से भी इस बाबत सख्त आदेश दिए गए हैं। ऐसा न करने वालों के खिलाफ सख्त कार्रवाई की जाएगी। इन सोसाइटियों पर भारी-भरकम जुर्माना लगाया जाएगा। इसके बावजूद सुधार न हुआ तो एनजीटी के आदेशों के मद्देनजर विधिक कार्रवाई की जाएगी। बता दें कि ग्रेटर नौएडा में 20 हजार वर्ग मीटर या उससे अधिक एरिया पर बनने वाले सभी प्रोजेक्टों को अपना एसटीपी (सीवरेज ट्रीटमेंट प्लांट) बनाना और उसे फंक्शनल रखना अनिवार्य है, लेकिन कई सोसाइटियों के निवासी प्राधिकरण से लगातार शिकायत कर रहे थे कि उनके यहां एसटीपी नहीं बने हैं। कुछ सोसाइटियों में एसटीपी बने हैं तो वह फंक्शनल नहीं हैं। अब प्राधिकरण ऐसे बिल्डरों पर कार्रवाई करने की तैयारी कर रहा है।

1. गौड़ सिटी 4 एवेन्यू सेक्टर-4, ग्रेटर नौएडा वेस्ट	11. गौड़ सिटी 16 एवेन्यू सेक्टर-16सी, ग्रेटर नौएडा वेस्ट	21. रतन पर्ल, सेक्टर-16, ग्रेटर नौएडा वेस्ट
2. गौड़ सिटी 5 एवेन्यू सेक्टर-4, ग्रेटर नौएडा वेस्ट	12. अजनारा ली गार्डन, सेक्टर-16, ग्रेटर नौएडा वेस्ट	22. सुपरटेक ईको विलेज टू, सेक्टर-16बी, ग्रेटर नौएडा वेस्ट
3. गौड़ सिटी 6 एवेन्यू सेक्टर-4, ग्रेटर नौएडा वेस्ट	13. गुलशन बेलेना, सेक्टर-16, ग्रेटर नौएडा वेस्ट	23. पंचशील ग्रीन-1, सेक्टर-16बी, ग्रेटर नौएडा वेस्ट
4. गौड़ सिटी 7 एवेन्यू सेक्टर-4, ग्रेटर नौएडा वेस्ट	14. निराला एस्पायर, सेक्टर-16, ग्रेटर नौएडा वेस्ट	24. अजनारा होम्स, सेक्टर-16बी, ग्रेटर नौएडा वेस्ट
5. गोल्फ होम सेक्टर-4, ग्रेटर नौएडा वेस्ट	15. पंचशील ग्रींस टू, सेक्टर-16, ग्रेटर नौएडा वेस्ट	25. राधा स्काई गार्डन, सेक्टर-16बी, ग्रेटर नौएडा वेस्ट
6. पार्क एवेन्यू-1 सेक्टर-4, ग्रेटर नौएडा वेस्ट	16. कासा ग्रीन, सेक्टर-16, ग्रेटर नौएडा वेस्ट	26. सुपरटेक ईको विलेज-3, सेक्टर-16बी, ग्रेटर नौएडा वेस्ट
7. गैलेक्सी नॉर्थ एवेन्यू सेक्टर-4, ग्रेटर नौएडा वेस्ट	17. लासोलारा, सेक्टर-16, ग्रेटर नौएडा वेस्ट	27. फ्रेंच अपार्टमेंट, सेक्टर-16बी, ग्रेटर नौएडा वेस्ट
8. गौड़ सिटी 11 एवेन्यू सेक्टर-16सी, ग्रेटर नौएडा वेस्ट	18. रॉयल कोर्ट, सेक्टर-16, ग्रेटर नौएडा वेस्ट	28. गौड़ सौंदर्यम, सेक्टर टेकजोन-4, ग्रेटर नौएडा वेस्ट
9. गौड़ सिटी 12 एवेन्यू सेक्टर-16सी, ग्रेटर नौएडा वेस्ट	19. विकट्री वन, सेक्टर-16, ग्रेटर नौएडा वेस्ट	
10. गौड़ सिटी 14 एवेन्यू सेक्टर-16सी, ग्रेटर नौएडा वेस्ट	20. केबीनोज ग्रीन, सेक्टर-16, ग्रेटर नौएडा वेस्ट	









STENCHFULL
GARBAGE

133

LEFTOVERS AFTER
MOVEMENT

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October 4, 2023 138

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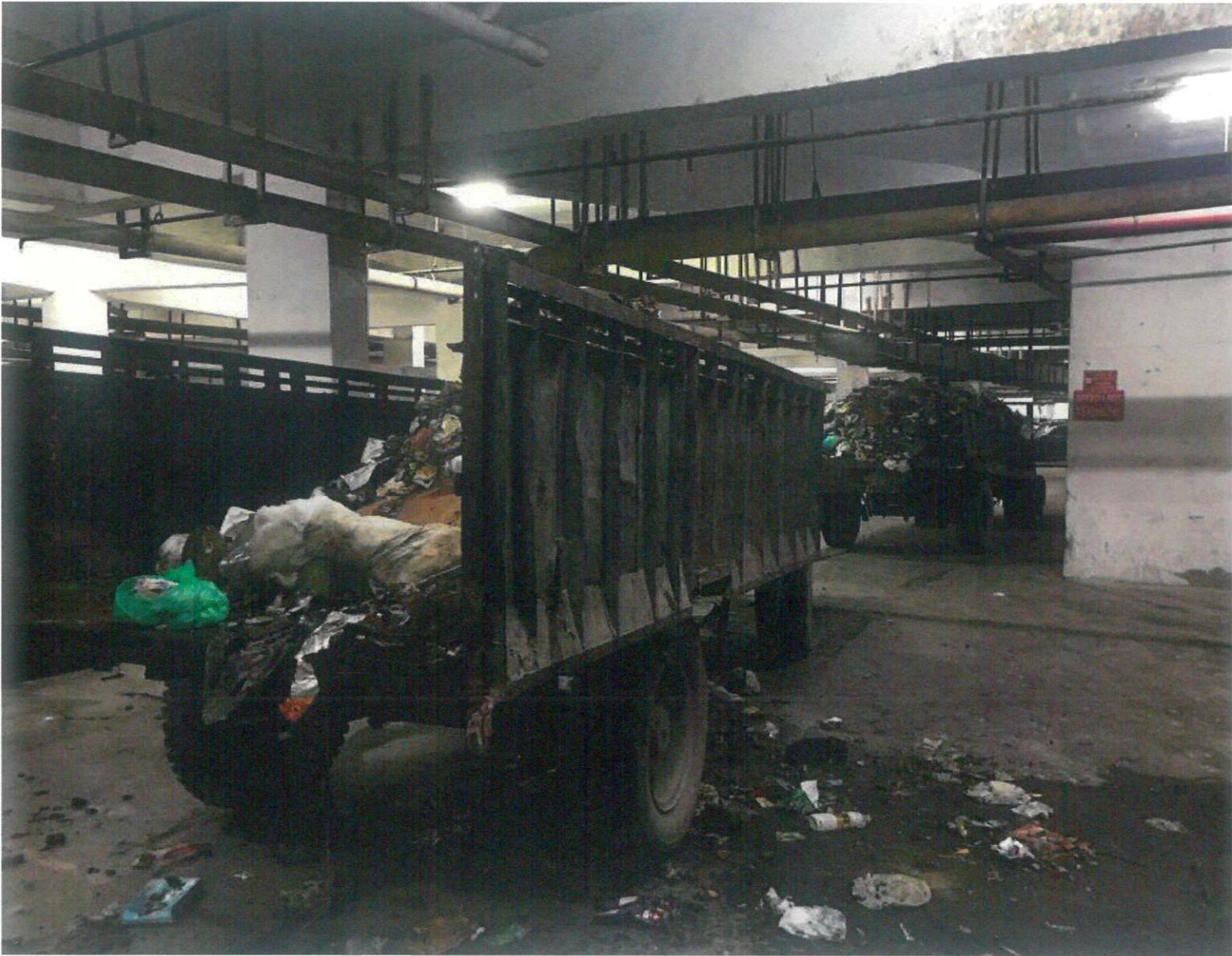
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UNFILED GAPS IN DUCT

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OPEN STP UNDER I-TOWER

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ABSENCE 154 OF GREEN COVER











Yesterday

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(62)

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO 465 OF 2023

IN THE MATTER OF:

ASHISH SHARMA

.....APPLICANT

VERSUS

STATE OF U.P. & Ors

..RESPONDENTS

APPLICATION ON BEHALF OF THE APPLICANT
CONDONATION OF DELAY IN FILING REJOINDER/REPLY.

**The Humble Application of
The Applicant abovenamed:**

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner applicant is filing the present application for seeking inter alia condonation of delay of 26 days in filing its reply/rejoinder to the reply filled by the Respondent no.4 (Project proponent) before this Hon'ble Tribunal.
2. That the detailed facts as mentioned in the 'Reply/Rejoinder' shall be considered as part and parcel of the present application and as such are not repeated for the sake of brevity. The Claimant reserves its right to refer and rely upon the same as and when the present Application is taken up for hearing.

3. That upon hearing the parties on 05.01.2024, the Hon'ble Tribunal granted 4 weeks time to the Petitioner to file its objection to the report and reply to the counter filed by the Respondent no.4 (Project Proponent).
4. It is stated that due to demise in the family of the applicant, the applicant was not available to give his input on the counter filed by the respondent no.4. Thereafter, due to medical health issues in the family of the counsel, the counsel was away to its home town and hence he was not available. Thereafter, it took some time in the office of the counsel to draft the present reply and get vetted by the residents of the 14th Avenue.
5. That it is submitted that the delay in filing of the present reply/rejoinder to the report and reply filed by the Respondent no.4 has happened in the above facts and circumstances. The Petitioner further submits that the delay is unintentional and has occasioned due to inadvertence and for the reasons beyond the control of the Petitioner. That in the facts and circumstances as mentioned above, there has been delay in filing of the Reply/Rejoinder in the present case by 26 days. It is submitted and prayed that the delay in filing of the Reply/Rejoinder may kindly be condoned in the facts and circumstances as mentioned above.
6. It is submitted that if the reply/rejoinder is not allowed to be taken on the record, the claimant would be rendered defenseless in the proceedings as the Respondent no.4 is in the

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dominant position and the residents of 14th Avenue would suffer irreparable loss.

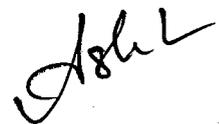
7. That the Hon'ble Tribunal has ample powers to condone the delay in filing the reply/rejoinder under the provisions of the Act.
8. That the present application is made *bona fide* and is being filed in the interest of justice. No prejudice will be caused to the respondents if the present application is allowed.

PRAYER

The Petitioner, therefore, most respectfully prays that this Hon'ble Tribunal may be pleased to:

- a. Allow the present Application and condone the delay of 26 days in filing of the reply/rejoinder to the reply filed by the Respondent no.4.
- b. Pass any other order or directions as this Hon'ble Court deems fit and proper.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER
SHALL AS IN DUTY BOUND EVER PRAY.**



Ashish Sharma
Applicant

Through

Rajan Singh

Rajan Singh & Waseem Akhtar Khan

Counsel for the Applicant

Email-advrajansingh@gmail.com

Mobile-9818687710

Date: 29th Feb 2024

Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO 465 OF 2023

IN THE MATTER OF:

ASHISH SHARMA

.....APPLICANT

VERSUS

STATE OF U.P. & Ors

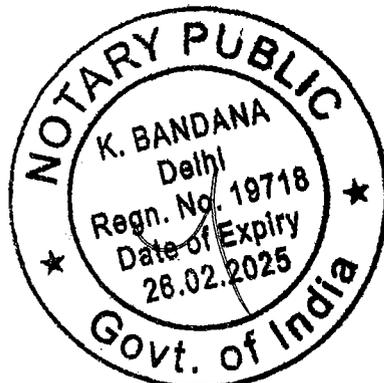
..RESPONDENTS

AFFIDAVIT

I, Ashish Sharma, S/o Rajesh Sharma Aged 40 years, R/o Flat no. 16066, 16th Floor, Tower-1, 14th Avenue, Gaur City-2, Greater Noida West, Uttar Pradesh, the applicant/petitioner herein above do hereby solemnly affirm and declare as under:

PRESENTLY AT DELHI

1. That I am the applicant/petitioner in the above captioned O.A and am well conversant of the facts of the case and as such is competent to swear the present affidavit.
2. That the contents of the present application for condonation of delay has been drafted by my counsel under my instruction and the contents of the paras 1 to 8 are true and correct and no part of it is false and nothing material has been concealed there from.



Ashish
DEPONENT

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VERIFICATION

Verified at Delhi on this 29th Day of February, 2024 that the contents made in this affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.



DEPONENT

IDENTIFIED
by Rajen Singh Adv.
29 FEB 2024



ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498