

BEFORE THE PRINCIPAL BENCH, NATIONAL GREEN TRIBUNAL,
NEW DELHI

ORIGINAL APPLICATION NO. 463 OF 2022

IN THE MATTER OF:

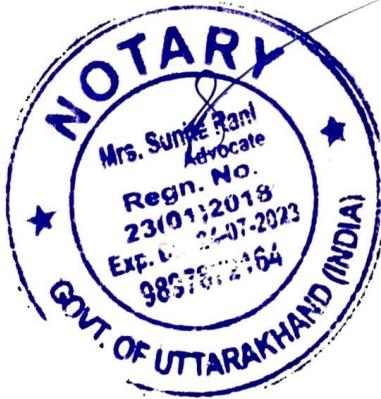
Vipin Nayyar Appellant

Versus

Union of India & Ors. Respondent

INDEX

1. Reply /Response on behalf of the Respondent No. 4/ Uttarakhand Pollution Control Board.
2. ANNEXURE R-1
Copies of letter issued to M/s Hotel Ganga Forest View on dated 03.02.2023.



FILED BY

MUKESH VERMA, ADVOCATE
PHONE NO. 9810108098, 9312222131
EMAIL ID: mvermadv@gmail.com

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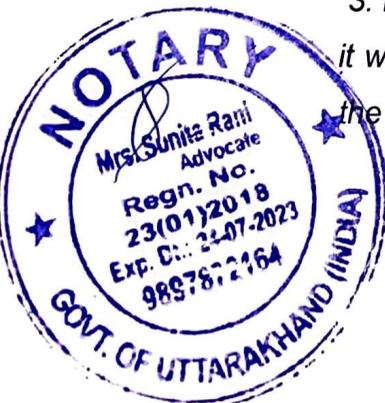
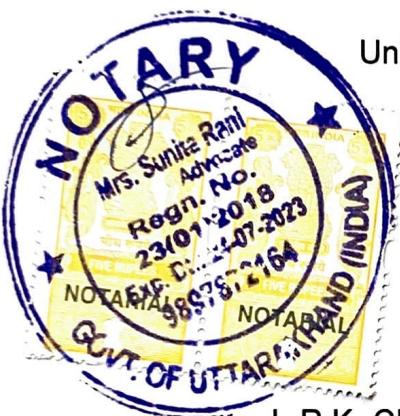
**Reply /Response on Behalf of the Respondent No. 4 /
Uttarakhand Pollution Control Board**

I, R.K. Chaturvedi, aged 51 years, presently posed as Regional Officer, Uttarakhand Pollution Control Board, Regional Office, E-115, Nehru Colony, Dehradun, District Dehradun, Uttarakhand, do hereby solemnly affirm and declare as under:

1. That I am in the above noted capacity and as per records available in the department, I am fully conversant with the facts and circumstances of the case, hence competent to swear this counter affidavit on behalf of the answering Respondent.
2. That this Hon'ble Tribunal vide its order dated 05-07-2022 *inter alia* passed the following directions:

"3. In view of the serious allegations made in the present application, it would be appropriate to have a factual and action taken report in the matter. Accordingly, we constitute a Committee comprising of

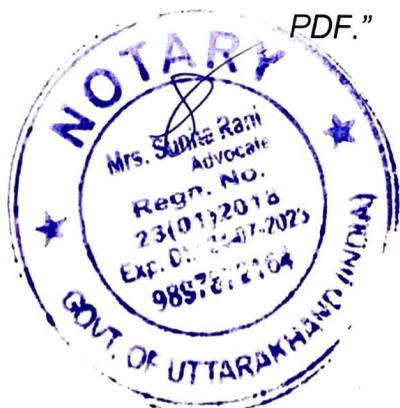
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representative of National Mission for Clean Ganga, SEIAA, Uttarakhand, Uttarakhand Environment Protection and Pollution Control Board, Central Ground Water Authority, Managing Director, Uttarakhand Jal Vidyut Nigam Limited and District Magistrate, Dehradun. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant and take remedial action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance. Factual and action taken report maybe furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

3. That in compliance of the above mentioned directions passed by this Hon'ble Tribunal vide its order dated 05-07-2022; the Joint Committee report dated was submitted before this Hon'ble Tribunal for consideration.
4. That, there after the matter was listed on 01-12-2022 before this Hon'ble Tribunal, after hearing, the Hon'ble Tribunal was pleased to pass following order :

“4. Let notices of the original application and interim application no. 311/2022 for interim injunction be issued to respondent no. 1 to 7 requiring them to file their reply/response to the averments made in the application and observations made in the report of the Joint Committee alongwith all relevant documents in support thereof 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.”



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5. That, based on observation of Joint Committee, Show cause notices were issued by UKPCB to M/s Hotel Ganga Forest View, Virbhadra Marg, Rishikesh and M/s Hide out Cafe, Near Durga Mandir, Rishikesh vide letter no. UKPCB/HO/Con/G-230/2022/35 dated 07-11-222 and UKPCB/HO/Con/H-246/2022/36 dated 07-11-2022 respectively. Copies of show cause notices are already submitted along with Factual and Action Taken Report submitted on 17.09.2022.
6. That, in compliance of show cause notices, inspection of M/s Hotel Ganga Forest View and M/s Hide out cafe was carried out by Regional Office, Dehradun on dated 03-01-2023. It is evident from inspection report that:-
- (i) M/s Hotel Ganga Forest View is having 12 rooms and domestic waste water generated from hotel is being deposited through septic tank with sock pit and no waste water found discharging outside the hotel premises. Hotel has also applied for Consent to operate to the Board. However, days of non-compliance has been treated as violation for which environmental compensation of Rs. 43,500/- (Rs. Forty Three Thousand Five Hundred only) has been imposed vide letter no. UKPCB/Ho/Consent/G-230/2023/598 dated 03-02-2023. Copy of letter issued on 03.02.2023 is enclosed as **Annexure R-1**.
- (ii) M/s Hide out Café is having 60 seated restaurant and wastewater generated from restaurant is being disposed through sewer line connected to STP. Unit has also applied for Consent to Operate to the Board. Further, Member Secretary, UKPCB has also directed Board to re-visit the site before revocation of show cause notice. Board officers to



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inspect the site before revocation of show cause notice of restaurant.

7. That in view of above averments made in the forgoing paragraphs, this Hon'ble Tribunal may pass any order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

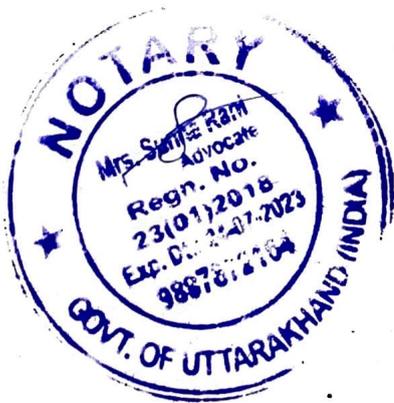
R.K.
Deponent

VERIFICATION:

I, the deponent above named do hereby verify and say that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

Verified at 6/2/2023 on this day of February, 2023

R.K.
Deponent



This affidavit is solemnly affirmed
sworn, signed and verified the contents
by Mr./Mrs. R.K. Chaturvedi
who is identified by Mr. R.K. Chaturvedi
at Place Dehradun on 6/2/2023

R.K. Chaturvedi
3647/23
6/2/2023
Mrs. Sunita Rai
Advocate & NOTARY
H. Court, Dehradun
Uttarakhand (INDIA)
No. 23101/2018



मुख्यालय
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड
"गौरा देवी पर्यावरण भवन"

46बी, आई0टी0 पार्क, सहस्त्रधारा रोड, देहरादून

Web : www.ueppcb.uk.gov.in. E-mail : msukpcb@yahoo.com



पत्रांक-यूकेपीसीबी/एचओ/सहमति/जी-230/2023/1598

दिनांक :- 03. 02.2023

सेवा में,

मै0 होटल गंगा फोरेस्ट व्यू,
86 एवं 86/2, गली नं0-6,
वीरभद्र मार्ग, ऋषिकेश।

विषय :- मै0 होटल गंगा फोरेस्ट व्यू, वीरभद्र मार्ग, ऋषिकेश को निर्गत कारण बताओ नोटिस एवं पर्यावरणीय क्षतिपूर्ति के सम्बन्ध में।

महोदय,

उपरोक्त विषयक उद्योग को इस कार्यालय के पत्र सं0-यूकेपीसीबी/एचओ/सहमति/जी-230/2022/35 दिनांक 07.11.2022 द्वारा जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1974 की धारा-33(ए) एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1981 की धारा-31(ए) के अन्तर्गत कारण बताओ नोटिस निर्गत किया गया था। क्षेत्रीय कार्यालय, देहरादून की आख्या दिनांक 07.01.2023 के अनुसार होटल द्वारा कारण बताओ नोटिस में वर्णित बिन्दुओं का अनुपालन कर लिया गया है और दिनांक 07.11.2022 से 05.12.2022 तक पर्यावरणीय क्षतिपूर्ति आरोपित किये जाने की संस्तुति की गयी है।

अतः आपको निर्देशित किया जाता है कि रु0-43,500/- (रुपये तैतालीस हजार पांच सौ मात्र) पर्यावरणीय क्षतिपूर्ति उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड में जमा कराया जाना सुनिश्चित करें। होटल द्वारा जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1974 की धारा-25 एवं वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम-1981 की धारा-21 के अन्तर्गत बोर्ड से जल/वायु सहमति प्राप्त किये बिना संचालन नहीं किया जाये।

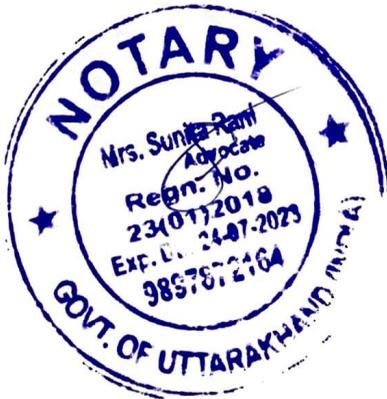
भवदीय

(एस0के0 पटनायक)

सदस्य सचिव

प्रतिलिपि :- क्षेत्रीय अधिकारी, उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड, देहरादून को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

सदस्य सचिव



[Handwritten Signature]