

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI**

EXECUTION APPLICATION No. 24/2021

IN

ORIGINAL APPLICATION No.989/2019

IN THE MATTER OF:

Ved Prakash Agarwal

... Applicant

Versus

Municipal Commissioner, Ghaziabad
Municipal Corporation & Ors.

.... Respondents

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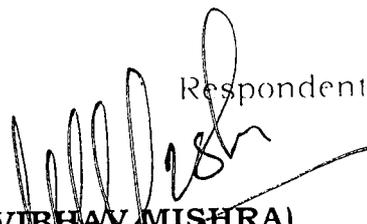
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6. Vakalatnama

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Through Counsel

Respondent

(VIBHAV MISHRA)
 Advocate

Ch: 221, CK Daphtary Block,
 Tilak Lane, Supreme Court of India
 New Delhi-110001

(M): 9473565666, 9811828487

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IN THE MATTER OF:

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Municipal Commissioner, Ghaziabad Municipal ... Respondents
Corpn. & Ors.

**ACTION TAKEN REPORT ON BEHALF OF THE MUNICIPAL
CORPORATION, GHAZIABAD**

1. This compliance/ Action Taken Report is being filed by the undersigned, who is presently posted as the City Health Officer, Municipal Corporation, Ghaziabad, Uttar Pradesh in compliance of the order dated 24.01.2020 passed by this Hon'ble Tribunal.
2. That in pursuant of the order dated 08.09.2021 passed by this Hon'ble Tribunal, whereby this Hon'ble Tribunal was pleased to observe as under:

"

3. *Though present application is in a way repeat of EA No. 04/2021, the applicant in person states that as per letter dated 21.12.2020 of the State PCB annexed to the application, environmental compensation was imposed against 14 illegal dairies and their particulars are available with the head office of the PCB. The applicant in person states that he will give the particulars of the illegal dairies and furnish the same to the State PCB and Municipal*

Corporation Ghaziabad. We allow the applicant to do so and such information may also be filed before the Tribunal within a week.

- 4. In view of above, the State PCB and Municipal Corporation Ghaziabad may take further action, in exercise of their statutory powers against the violators, following due process of law. An action taken report may be furnished to this Tribunal 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 with an advance copy to the alleged violators for their response, if any."*
3. The Zonal Sanitary Officer (Kavi Nagar Zone) along-with the Zonal Food Inspector (Kavi Nagar Zone) of the Municipal Corporation of Ghaziabad went for the inspection of the sites as narrated by the Applicant on 30.11.2021 and have found that the order of this Hon'ble Tribunal is being violated. The true translated copy of the inspection report is annexed herewith and marked as **ANNEXURE R-1 Pg 6-8**.
4. Therefore, without making any delay, in exercise of the statutory powers vested in the Municipal Corporation of Ghaziabad, the Safai Naik of Kavi Nagar Zone sent a letter to the SHO PS Kavi Nagar, Ghaziabad for lodging the FIR against the defaulters of the order of this Hon'ble Tribunal. The true translated copy of the complaint dated 30.11.2021 sent by the Safai Naik of Kavi Nagar Zone to the SHO PS Kavi Nagar,

Ghaziabad is annexed herewith and marked as **ANNEXURE R-2**
Pg 9-19.

5. When the FIR was not lodged against the defaulters, the Zonal Sanitary Officer (Kavi Nagar Zone) along-with the Zonal Food Inspector (Kavi Nagar Zone) of the Municipal Corporation of Ghaziabad again sent a Letter No.3363/ Health/21 dated 04.12.2021 to the SHO PS Kavi Nagar, Ghaziabad for lodging the FIR against the defaulters under the NGT Act, 2010, u/s 31-A of The Air (Prevention and Control of Pollution) Act, 1981, under relevant provisions of the Urban Solid Waste Management Rules, 2016 & u/s 133 CrPC. The true translated copy of the complaint dated 04.12.2021 sent by the Zonal Sanitary Officer (Kavi Nagar Zone) along-with the Zonal Food Inspector (Kavi Nagar Zone) of the Municipal Corporation of Ghaziabad to the SHO PS Kavi Nagar, Ghaziabad is annexed herewith and marked as **ANNEXURE R-3** Pg 20-25.
6. Therefore, to ensure the compliance of the order of this Hon'ble Tribunal, the Officers of the Ghaziabad Municipal Corporation sent 2 letters to the SHO PS Kavi Nagar to get the FIR lodged against the defaulters.
7. It is worth mentioning that the Respondents have also, on previous occasions, have sent complaint to the SHO PS Kavi Nagar on date 03.12.2019 and 04.02.2020 against the defaulters. (**ANNEXURE R-4** Pg 26-30).
8. That vide GO No. CS/89(1)9-A-3-2003-62 WRIT/2003 dated 05.09.2003, it has been ordered that the jurisdiction to curb and curtail the commercial activities in the residential area

rests with the Development Authority and Awas Vikas Parishad. Therefore, with no statutory power, the present respondents have the limited power to make complaints to the Police Authorities only, whereas the authorities as above have statutory authority to ensure the effective compliance.

9. That it is respectfully submitted that environment and public health are of the prime concerns to the Corporation and it is working with utmost sincerity towards providing healthy, sanitized and safe environment to citizens in pursuance to the Right to Life as enshrined in Article 21 of the Constitution of India.
10. That it is submitted that the Corporation is fully aware of its social responsibility and committed to the cause of preservation of environment and shall take all necessary measures for the implementation of any order that may be passed by this Hon'ble Tribunal in letter and spirit.
11. Therefore, the above action-taken report along-with annexure is submitted for the kind perusal of the Hon'ble Tribunal and further directions in this regard.

Date: 08.12.2021
Place: New Delhi

Through Counsel

RESPONDENT


(VIBHAV MISHRA)
Advocate

Ch No.: 221, CK Daphtary Block,
Tilak Lane, Supreme Court of India
(M): 9473565666, 9811828487
(e): vibhavmishra@outlook.in

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Municipal Commissioner, Ghaziabad Municipal ... Respondents
Corpn. & Ors.

AFFIDAVIT

Affidavit of Mithlesh Kumar, S/o Sh. Bhushan Singh, aged about 42 yrs. presently working as City Health Officer with the Ghaziabad Municipal Corporation.

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That I am the presently working as the City Health Officer with the Ghaziabad Municipal Corporation and as such I am well conversant with the facts and circumstances of the present Execution Application and hence fully competent to swear this present affidavit.
2. That the contents of the Compliance/ Action Taken Report and affidavit have been drafted by the empanelled counsel under my instructions and thereon have been explained to me in vernacular, which are true and correct.
3. That the annexure R-01 to R-04 appended with this action taken report are the true copies of their respective documents and all averments have been derived out of the available records.

SO GOD HELP ME

MK
DEPONENT

VERIFICATION:

Verified on this 8th day of December, 2021 at New Delhi that the contents of the above affidavit are true and correct to my knowledge and no part of it is

~~incorrect and nothing material has been concealed therefrom.~~

affidavit
S/o Sh. *Mithlesh Kumar*
Identified by Sh. *R/o. A. S. N.*
Has solemnly Affirmed before me at Delhi
that the contents of the affidavit which
has been sworn by the deponent to his
knowledge and belief are true and correct.

MK
DEPONENT

09/12/2021



I identified the deponent
has signed in my presence

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ANNEXURE R-1

Sir,

It is being informed that in Ward Chiranjeev Vihar of Kavi Nagar Zone and in the matter OA No.989/2019 titled Ved Prakash Aggrawal versus Municipal Commissioner, Ghaziabad Nagar Nigam pending before the Hon'ble National Green Tribunal , it is respectfully being informed that on date 30.11.2021 Chief Sanitary and Food Inspector, Officer from The Environment Department and along-with you the inspection of the Dairy Owners was carried out in which it was ordered to the Dairy owners that the Dairies must be removed and it was told to them that they are in violation of the MSW 2016 Act and are in violation of the orders of the Hon'ble NGT, which is not good for environment.

Therefore in accordance with the annexed list, appropriate action under the Hon'ble NGT Act, 2010, under Section 31 A of the Air Prevention and Control of Pollution, Urban Solid

7

Waste Management Rules 2016 and public nuisance under
S.133 CrPC is recommended.

Report is submitted for kind perusal.

Sd/- (illegible)

30.11.2021

Sd/- (illegible)

30.11.2021

SFF (KN)


//TRUE TRANSLATED COPY//

अवगत बताया है। कि कठिनगार जोन के वायु
 चिरेजीव विभाग में मा० शशीमं. हरिन अधीकरण के संवत्
 विन्याशकानि ०.१. संख्या १४७/२०१७ के द्वारा प्रणाली बना
 नगर आशुता नगरिकता गा. वि. पा. बा. के संवत् के अन्तर्गत
 कानि है कि ३०/११/२०२१ को मुख्य सफाई स्व. बा. (१) के
 पर्यावरण विभाग, का. के साथ डेरियो सन्चारको म
 निरीक्षण किया गया। जिसमें डेरियो सन्चारको
 डेरियो द्यौने के किले कथ गया। जिसमें उन्को कानि
 MSW २०१६ समूह स्व. मा० N.P.T. द्वारा किये गये निरीक्षण
 का स्पष्ट उल्लंघन किया जा रहा है। जो पर्यावरण की दृष्टि
 अन्ध्र वही है।

अतः संलग्न सूची के अनुसार आरोपी के
 मा० NPT ACT २०१० Under section 31 A of Air &
 & Control of Pollution एवं नारीय बोस अपरिण प्र
 निष्पत्ती २०१६ व पार्लिक न्यूसेस की द्वारा CRP-133 के
 अन्तर्गत कार्रवाई किये जाने की संरक्षिती की जाती है।
 रिपोर्ट सेवा में प्रेषित

30/11/2021

30/11/2021
 S.F.C.I.

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ANNEXURE R-2

Logo G. M. C.

Municipal Corporation of Ghaziabad

Lr. No. 8544/H/21-22

Date: 30.11.2021

To,
The Station Officer,
P.S. Kavinagar,
Ghaziabad.

Respected Sir,

This is to hereby appraise you that inspection of the Wards / Zonal Areas, indicated in the enclosed list corresponding to Kavinagar Zone was carried out. In the course of said inspection, it was found that this area is a residential area, but the diary owners have encroached this area and have indulged illegal diary operations by keeping cow / buffalo, calves and are engaged in all types of diary business. In the course of the same, they discharge the animal cow dung, urine and other waste into the Public Road, canal, sewerage thereby the soil,

water, Air in the area have been badly affected due to pollution resulting in adverse effect on the Health of the Resident Public there and along with that, the unhygienic conditions have become a breeding ground for Mosquitoes due to which spread of dangerous diseases such as Malaria and Dengue are apprehended to be spread. This discharge of effluents is excessive and come under the category of bulk waste generators thereby the clear violation of the provisions of MSW 2016 Act as well as violation of the directions of Hon'ble NGT has come to Notice which is not appropriate for the Environment.

Therefore, against the accused persons listed in the attached list, let necessary action be taken under the provisions of under section 31A of Air Prevention and Control of Pollution Act, the NGT Act, 2010 as well as under section 133 - CRP, Urban Solid Waste Management's Rules & Regulation, 2016, and the report is forwarded.

//

Encl. As above.

Signed in Hindi as Mahendra Singh

Safai Naik

Kavinagar Zone,

Municipal Corporation, Ghaziabad.

Copy: for kind information.

1. District Health Officer.
2. Chief Sanitary & Food Inspector, SIS Hindon Region
cum Regional Sanitary and Food Inspector,
Kavinagar, Ghaziabad.
3. Regional Officer, U. P. Pollution Control Board, Sector
-16A, Vasundhara, Ghaziabad.

Signed in Hindi as Mahendra Singh

Safai Naik

Kavinagar Zone,

Municipal Corporation, Ghaziabad.

//True Translated Copy//

Particular of Dairy Owners running their dairies in Ward No.
56, Chiranjeev Vihar, Kavinagar Zone, Municipal
Corporation, Ghaziabad.

S. No.	Name of Dairy Owner	Father/Husband	Address
1.	Shri Harikisan	Shri Balkisan	Chiranjeev Vihar Sahkari Nagar.
2.	Shri Arvind	Shri Yogesh	Sector-9, Chiranjeev Vihar.
3.	Shri Vinod	Shri Brahmpal	Sector-9, Chiranjeev Vihar.
4.	Shri Dayaram	Shri Kalooti	Behind Police Chowki, Avantika.
5.	Shri Chatrapal	Shri Manphool	Chiranjeev Vihar Sahkari Nagar.
6.	Shri Harikisan	Shri Balkisan	Chiranjeev Vihar Sahkari Nagar.
7.	Shri Omvir	Shri Munki	Sahkari Nagar.
8.	Shri Naresh	Shri Lakhpatt Singh	DD 249 E Avantika-1
9.	Smt. Vinesh Chaudary	Shri Mahesh Chaudhary	DD 249
10.	Shri Pappu.	Shri Bhagwant Singh	DD 249 E Avantika-1.
11.	Shri Vipin Kumar	Shri Bhagwant Singh	DD 249 E Avantika-1.
12.	Shri Gyanvir	-	445, Sector-2, Chiranjeev Vihar.
13.	Shri Jaipal	-	445, Sector-2, Chiranjeev Vihar.
14.	Shri Dinesh Kumar	-	447, Sector-2, Chiranjeev

15.	Shri Asharam	-	Vihar. Sector-2, Chiranjeev Vihar.
16.	Shri Deepak Chaudhary	-	Sector-2, Chiranjeev Vihar.
17.	Shri Jitender Nagar.	-	392 Sector-2, Chiranjeev Vihar.
18.	Shri Premvir Singh	-	B-3, Sector-2, Chiranjeev Vihar.
19.	Shri Ravindra	Shri Jagan Singh	Sector-3, Chiranjeev Vihar.
20.	Shri Brahm Singh.	-	B-5, Sector-2, Chiranjeev Vihar.

Sd/-

(Mahendra Safai Naik)

Ward No. 56, Chiranjeev Vihar,

Kavinagar Zone,

Municipal Corporation Ghaziabad.

Two undecipherable signatures with date 30.11.2021.

//True Translated Copy//

OFFICE OF THE MUNICIPAL CORPORATION, GHAZIABAD

Lr. No.:3335 Health/21

Date: 30.11.2021

INSPECTION REPORT

In compliance of Order dated 08.09.2021 passed by Hon'ble National Green Tribunal O. A. No.: 989/2019 E. A. No. 24/20-21 in the matter of Ved Prakash Agarwal Vs. City Commissioner, Ghaziabad, we the undersigned reached the Inspection Site located at Chiranjeev Vihar, Ghaziavbad in its Sector Nos. 2, 3, 10 residential colonies and conducted joint inspection of the illegal dairies run by the dairy owners. During inspection, the City Health Officer, the Chauki In-charge: Avantika, P.S. Kavinagar as well as Sub-ordinate Engineer, Pollution Control Board, as well as Chief Sanitary and Food Inspector, SIS Hindon Area come Regional Sanitary and Food Inspector, Kavinagar Zone were present. In the past, notices have

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been issued against 14 dairy owners to remove their dairies, but during the present inspection, 18 dairies were found to be operating here illegally today as on this date of 30.11.2021. By taking the seriousness of the matter into due notice, all the dairy owners were warned to remove their dairies within 24 hours. If they do not do so, a decision has been taken to initiate legal action against them to immediately shut down their dairies.

Sd/- illegible
District Health Officer,
Municipal Corporation Ghaziabad.

Copy to:-

1. City Commissioner for his due information, forwarded.
2. Additional City Commissioner / Health In-charge.
3. Legal In-charge / Law Department.
4. Regional Officer, U. P. Pollution Control Board,

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Sector-16, Vasundhara, Ghaziabad.

5. Chief Sanitary and Food Inspector, SIS Hindon Region, Zonal Sanitary and Food Inspector, Kavinagar Zone for taking action as above.

Sd/- illegible

District Health Officer,

Municipal Corporation Ghaziabad.

/True Translated Copy/



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नगर निगम

गाजियाबाद

पत्रांक: 8544 / स्वा0 / 21-22

दिनांक - 30/11/2021

सेवा में,

थानाध्यक्ष
थाना कविनगर, गाजियाबाद।

महोदय,

कृपया अवगत कराना है कि कविनगर जोन में संलग्न सूची के अनुसार वार्ड/क्षेत्र का निरीक्षण किया गया। निरीक्षण के दौरान पाया गया कि उक्त क्षेत्र आवासीय क्षेत्र है, परन्तु डेरी संचालकों द्वारा उक्त क्षेत्र में अवैध रूप से पशुपालन (गाय/भैंस/बछड़ा) कर डेरी का संचालन/व्यापार किया जा रहा है। निरीक्षण के दौरान यह भी देखा गया कि उक्त डेरी संचालकों के द्वारा अपने जानवरों का गोबर/कचरा इत्यादि सरकारी सड़क/नाली/सीवर में बहाया जा रहा है। जिससे आवासीय क्षेत्र में मृदा, जल, वायु प्रदूषण फैल रहा है जो लोगों के स्वास्थ्य पर प्रतिकूल प्रभाव डाल रहा है और साथ ही मच्छरों का भी प्रकोप बढ़ने का कारण संकामक रोग फैलने का अंदेशा बना हुआ है। उक्त डेरी संचालकों द्वारा अपने जानवरों का गोबर/कचरा अत्यधिक मात्रा में बहाया जा रहा है। यह बल्क वेस्ट जनरेटर्स की श्रेणी में आते हैं। जिनका निरीक्षण एम0एस0डबल्यू0 2016 एक्ट एवं मा0एन0जी0टी0 द्वारा दिये गये निर्देशों का स्पष्ट उल्लंघन किया जा रहा है। उक्त संचालकों का पर्यावरण की दृष्टि से उचित नहीं है।

अतः संलग्न सूची के अनुसार आरोपी व्यक्तियों के विरुद्ध मा0 NGT Act 2010 Under Section 3(4) of Air Prevention & Control of Pollution एवं नगरीय ठोस अपशिष्ट प्रबन्धन नियमावली 2016 व संचालक न्यूसेंस की धारा सी0आर0पी0-133 के अन्तर्गत कानूनी कार्यवाही किये जाने हेतु रिपोर्ट प्रेषित है।

संलग्नक-यथोक्त।

01/12/2021

सफाई नायक
कविनगर जोन
नगर निगम गाजियाबाद

01/12

प्रतिनिधि:- सादर सूचनार्थ प्रेषित।

1. नगर स्वास्थ्य अधिकारी महोदय।
2. मुख्य सफाई एवं खाद्य निरीक्षक महोदय सिस हिण्डन क्षेत्र एवं क्षेत्रीय सफाई एवं खाद्य निरीक्षक महोदय, कविनगर जोन।
3. क्षेत्रीय अधिकारी, उ0प्र0, प्रदूषण नियंत्रण बोर्ड, सै0-16ए, बसुन्धरा, गाजियाबाद।

01/12/2021

सफाई नायक
कविनगर जोन
नगर निगम गाजियाबाद

01/12

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नगर निगम गाजियाबाद, कविनगर जोन क वार्ड
 संख्या-56 चिरंजीव विहार में संचालित नुर्शी
 स्वामियों का विवरण

क्र.सं.	श्री स्वामियों का नाम	पिता/पति का नाम	पता
1	श्री हरिजीवन	श्री मल्लिकार्जुन	चिरंजीव विहार, कविनगर जोन
2	श्री हरिजीव	श्री गोपाल	चिरंजीव विहार, कविनगर जोन
3	श्री विमल	श्री ब्रह्मगजल	चिरंजीव विहार, कविनगर जोन
4	श्री हयाराम	श्री कलूटी	पुंजरा नाम का पता, कविनगर जोन
5	श्री हनुमान	श्री मन्जूल	सहकारी नगर विहार, कविनगर जोन
6	श्री रामपाल	श्री रामप्रसाद	सहकारी नगर
7	श्री ओमवीर	श्री मुन्शी	सहकारी नगर
8	श्री नरेश	लखपत सिंह	डीडी 249 ई अनांतिका
9	श्रीमति विनेश चौधरी	श्री महेश चौधरी	वी ई 249
10	श्री जय	श्री भगवन्त सिंह	डीडी 249 ई अनांतिका
11	श्री विठ्ठल कुमार	श्री भगवन्त सिंह	डीडी 249 ई अनांतिका
12	श्री ज्ञानवीर	-----	445 सै0 2 चिरंजीव विहार
13	श्री जयपाल	-----	445 सै0 2 चिरंजीव विहार
14	श्री दिनेश कुमार	-----	447 सै0 2 चिरंजीव विहार
15	श्री आशाराम	-----	सै0 2 चिरंजीव विहार
16	श्री दीपक चौधरी	-----	सै0 2 चिरंजीव विहार
17	श्री जितेन्द्र नागर	-----	392 सै0 2 चिरंजीव विहार
18	श्री प्रेमवीर सिंह	-----	वी 3 सै.-2 चिरंजीव विहार
19	श्री रविन्द्र	श्री जगन सिंह	सै0 3 चिरंजीव विहार
20	श्री ब्रह्म सिंह	-----	वी-5 सै0 2 चिरंजीव विहार

30/11/2021

महेन्द्र

सफाई नायक

वार्ड सं0 56 चिरंजीव विहार
 कविनगर जोन, नगर निगम गाजि

[Handwritten Signature]
 30/11/2021

[Handwritten Signature]
 30/11/2021

कार्यालय नगर निगम गाजियाबाद 19

पत्रांक: 3535 स्वा0/21

दिनांक: 30/11/21

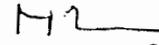
निरीक्षण टिप्पणी

आज दिनांक 30.11.2021 को माननीय राष्ट्रीय हरित अधिकरण के समक्ष विचाराधीन ओ ए संख्या 989/2019 ई0ए0 नं0 24/20-21 में वेद प्रकाश अग्रवाल बनाम नगर आयुक्त, गाजियाबाद नगर निगम में पारित आदेश दिनांक 08.09.2021 के अनुपालन में चिरंजीव विहार, गाजियाबाद के सैक्टर-2, 3 व 10 स्थित आवासीय कालोनी में डेरी स्वामियों द्वारा संचालित की जा रही डेरियों का संयुक्त रूप से मौके पर पहुँच कर निरीक्षण किया गया। निरीक्षण के दौरान नगर स्वास्थ्य अधिकारी, चौकी प्रभारी अवन्तिका थाना कविनगर, अवर अभियन्ता, पॉल्यूशन कंट्रोल बोर्ड, मुख्य सफाई एवं खाद्य निरीक्षक सिस हिण्डन क्षेत्र एवं क्षेत्रीय सफाई एवं खाद्य निरीक्षक, कविनगर जोन उपस्थित थे। पूर्व में उक्त स्थल पर संचालित 14 डेरी स्वामियों को उक्त स्थल से डेरी हटाये जाने हेतु नोटिस निर्गत किये गये थे, परन्तु वर्तमान में मौके पर निरीक्षण के दौरान 18 डेरियां संचालित पायी गयी है। जिसके क्रम में प्रकरण की संवेदनशीलता/गम्भीरता के दृष्टिगत उक्त डेरी स्वामियों को 24 घण्टे के अन्दर डेरी हटाये जाने हेतु चेतावनी दी गयी है। यदि उक्त डेरी स्वामियों द्वारा डेरियों को नहीं हटाया जाता है तो उक्त डेरी स्वामियों के विरुद्ध वैधानिक/कानूनी कार्यवाही कर तत्काल डेरियों को बन्द कराये जाने का निर्णय लिया गया है।


नगर स्वास्थ्य अधिकारी
नगर निगम गाजियाबाद

प्रतिलिपि:-

1. नगर आयुक्त महोदय को सादर सूचनार्थ प्रेषित।
2. अपर नगर आयुक्त/प्रभारी स्वास्थ्य महोदय।
3. विधि प्रभारी/विधि विभाग।
4. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, सै0-16, वसुन्धरा, गाजियाबाद।
5. मुख्य सफाई एवं खाद्य निरीक्षक सिस हिण्डन क्षेत्र/क्षेत्रीय सफाई एवं खाद्य निरीक्षक, कविनगर जोन को उपरोक्तानुसार आ10कग0 हेतु।


नगर स्वास्थ्य अधिकारी
नगर निगम गाजियाबाद



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ANNEXURE R- 3

ZONAL OFFICE OF THE MUNICIPAL CORPORATION,
KAVINAGAR ZONE, GHAZIABAD

(I. S. O.9001,1400 & 18001 Certified Organization)

To,
The Station House Officer,
Police Station
Kavi Nagar,
Ghaziabad.

Letter No. 3363/Health/21

Date: 04.12.2021

Sub: In connection with the Registration of FIR and taking
action as per law.

Respected Sir,

In connection with above subject matter related letter
kindly take trouble to go through the enclosed letter of Sri
Mahendrapal: Executive Safai Naik posted at Ward No. 56
Chiranjeev Vihar: Kavinagar Zone as well as the
enclosures attached to the same. According to the list
enclosed therein, in Order to register First Information

Report regarding the Dairies operating in Chiranjeev Vihar Area and to take action according to law, a Report has been sent to Police Station Kavinagar vide Letter No.8544/Health/21-22 dated 30.11.2021.

In connection with the above, this is to hereby appraise you that in compliance of the Order dated 08.09.2021 of the Hon'ble National Green Tribunal in O. A. No. 989/2019, in the matter of Ved Prakash Agarwal Vs. City Commissioner, Ghaziabad Municipal Corporation, NGT has directed to take action against all the dairies operating in Chiranjeev Vihar Area. Accordingly, notices have been issued to all the Dairy owners listed in the list enclosed herewith. But, still none of the Dairy owners doing business there have bothered to abide the notice and vacate the premises, their business is still going on as usual in connection with which Sri Narendra Kumar, Zonal Sanitary and Food Inspector, Kavinagar Zone and Zonal Sanitary Officer, Kavinagar Zone have conducted spot inspection (Xerox Copy Enclosed) on date 30.11.2021 and

in the course of the same has warned the diary owners to remove their diary immediately. But, even after that these erring diary owners by keeping their diaries open has spreading irresponsibly cow dung, cow urine etc on the public road into the drainage and sewerage as a result of which soil contamination, water pollution and Air Pollution is rapidly spreading in the area resulting in Environmental Pollution and Ecological Imbalance.

Therefore, under section 31A of Air Prevention and Control of Pollution of the NGT Act, 2010 as well as under section 133 - CRP of Urban Solid Waste Management's Rules & Regulation, 2016, Kindly register First Information Report against the Diary Owners listed in the list enclosed herewith in accordance with the above appropriate acts and sections, initiate necessary legal proceedings against them for which hereby strong recommendation is being made here with.

Encl:- As above.

Sd/-

(Narendra Kumar)
Food & Sanitary Inspector,
Kavinagar Zone,
Municipal Corporation,
Ghaziabad.

(Mob. No.8178016930)

Sd/-

(Gajendra Singh)
Zonal Sanitary Officer,
Kavinagar Zone,
Municipal Corporation,
Ghaziabad.

(Mob. No. 9927032017)

Forwarded to the SHO, P.S. Kavinagar, Ghaziabad by
requesting him to abide by the recommendation and file
FIR and take action as per law.

Sd/- City Health Officer,
Municipal Corporation Ghaziabad.

Copy to the under-mentioned for their DEU Information,
forwarded:-

1. City Commissioner.
2. Addl. City Commissioner / Health In-charge.
3. Legal In-charge Officer, Law Division.

Sd/- City Health Officer,
Municipal Corporation Ghaziabad.

/True Translated Copy/



कार्यालय कविनगर जोन, नगर निगम गाजियाबाद

(I.S.O.9001,1400, 18001 प्रमाणित संस्था)

सेवा में,

थानाध्यक्ष

थाना कविनगर, गाजियाबाद



पत्रांक: 3336/3 /स्वा0/21

दिनांक: 21/12/2021

विषय:- प्रथम सूचना रिपोर्ट दर्ज कर कानूनी कार्यवाही किये जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक पत्र के साथ संलग्न वार्ड संख्या-56 चिरंजीव विहार (कविनगर जोन) में तैनात कार्यवाहक सफाई नायक श्री महेन्द्रपाल द्वारा प्रस्तुत पत्र एवं अन्य संलग्नकों का अवलोकन करने का कष्ट करें। जिसमें संलग्न सूची के अनुसार चिरंजीव विहार में संचालित डेरियों के विरुद्ध प्रथम सूचना रिपोर्ट दर्ज कर कानूनी कार्यवाही किये जाने हेतु थाना कविनगर को पत्रांक:8544/स्वा0/21-22 दिनांक 30.11.2021 के द्वारा रिपोर्ट प्रेषित की गयी है।

उपरोक्त के क्रम में अवगत कराना है कि माननीय राष्ट्रीय हरित अधिकरण के समक्ष विचाराधीन ओ.ए. संख्या 989/2019 वेद प्रकाश अग्रवाल बनाम नगर आयुक्त, गाजियाबाद नगर निगम में पारित आदेश दिनांक 08.09.2021 के अनुपालन चिरंजीव विहार में संचालित डेरियों के विरुद्ध मा0 एन0जी0टी0 द्वारा कार्यवाही किये जाने हेतु निर्देश दिये गये हैं। जिसके सम्बन्ध में संलग्न सूची के अनुसार उक्त डेरी स्वामियों को डेरी हटाये जाने हेतु नोटिस निर्गत किये गये। परन्तु नोटिस निर्गत किये जाने के बावजूद भी उक्त डेरी स्वामियों द्वारा वर्तमान में भी उक्त स्थल पर डेरी का संचालन किया जा रहा है, जिसके सम्बन्ध में श्री नरेन्द्र कुमार, क्षेत्रीय सफाई एवं स्वच्छ निरीक्षक, कविनगर जोन एवं जोनल सेनेटरी ऑफिसर, कविनगर जोन के द्वारा दिनांक 30.11.2021 को किये गये निरीक्षण (छायाप्रति संलग्न) के दौरान डेरी संचालकों को डेरी हटाये जाने हेतु पुनः चेतावनी दी गयी। परन्तु डेरी स्वामियों द्वारा निरन्तर डेरी का संचालन कर उक्त क्षेत्र में गोबर/मलमूत्र इत्यादि सरकारी सडक/नाली/सीवर में बहाकर मृदा, जल, वायु प्रदूषण फैलाया जा रहा है जिस कारण इनके इस कृत्य से पर्यावरण को भी क्षति पहुंच रही है।

अतः मा0 NGT Act 2010 Under Section 31A of Air Prevention & Control of Pollution एवं नगरीय ठोस अपशिष्ट प्रबन्धन नियमावली 2016 व पब्लिक न्यूसेंस की धारा सी0आर0पी0-133 के अर्न्तगत पत्र के साथ संलग्न सूची के अनुसार उक्त डेरी स्वामियों के विरुद्ध प्राथमिकी दर्ज कर सुसंगत धाराओं के अर्न्तगत कानूनी कार्यवाही किये जाने हेतु प्रबल संस्तुति की जाती है।

संलग्नक-यथोक्त।

(नरेन्द्र कुमार)
सफाई एवं स्वच्छ निरीक्षक
कविनगर जोन (8178016930)
नगर निगम गाजियाबाद

(गजेन्द्र सिंह)
जोनल सेनेटरी ऑफिसर
कविनगर जोन (9927032017)
नगर निगम गाजियाबाद

कार्यालय नगर स्वास्थ्य अधिकारी, नगर निगम गाजियाबाद

दिनांक:- 09/12/2024

पत्रांक: 3.363/स्वा0/21

धानाध्यक्ष

धाना कविनगर, गाजियाबाद।

सपरोयतानुसार प्रथम सूचना रिपोर्ट दर्ज कर कानूनी कार्यवाही किये जाने हेतु संस्तुति सहित अग्रसारित।

नगर स्वास्थ्य अधिकारी
नगर निगम गाजियाबाद

पत्तिलिपि-निम्नलिखित को सूचनार्थ प्रेषित।

1. नगर आयुक्त महोदय।
2. अपर नगर आयुक्त/प्रभारी स्वास्थ्य महोदय।
3. विधि प्रभारी, विधि विभाग।

o/c

नगर स्वास्थ्य अधिकारी
नगर निगम गाजियाबाद

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI

ORIGINAL APPLICATION NO. 989 of 2019

IN THE MATTER OF:

Ved Prakash Agarwal

... Applicant

-VERSUS-

Municipal Commissioner, Ghaziabad Municipal
Corpn. & Ors.

... Respondents

COMPLIANCE REPORT ON BEHALF OF THE
MUNICIPAL CORPORATION, GHAZIABAD

1. This report is being filed by the undersigned Posted as City Health Officer Municipal Corporation, Ghaziabad, Uttar Pradesh in compliance of the order dated 24.01.2020 passed by this Hon'ble Tribunal.
2. That in pursuant of the order dated 24.01.2020 passed by this Hon'ble Tribunal:

"3. From the above, it is clear that there is blatant violation of law which needs to be checked forthwith by stopping polluting activities and recovering compensation from polluters, apart from any other statutory action. Beyond issuing notice, there is no information about any other action.

4. Let further action be now taken and Let further action be now taken and a report furnished by UP State PCB and Ghaziabad

Nagar Nigam within one month by e-mail at judicial-ngt@gov.in."

(Annexure 1)

3. That it is most respectfully submitted that the Respondent Nagar Nigam Ghaziabad lodged FIR on 03.12.2019 in P.S. Kavinagar, Ghaziabad u/s 2 & 3 of Prevention of Damage to Public Property Act, 1984, S. 37 of the Air (Prevention and Control of Pollution) Act, 1981 and u/s 278 of the Indian Penal Code, 1860.
4. That it is further submitted that a Letter dated 04.02.2020 by the undersigned has been sent to SHO, Kavinagar, drawing attention to the lack of effective proceeding in the matter.
5. That it is humbly submitted that as per GO CS/89(1)9-A-3-2003-62WRIT/2003 dated 05.09.2003, that it is within the jurisdiction of the Development Authorities and Awas Vikas Parishad to take action in case of commercial activities being conducted in residential areas.
6. That it is respectfully submitted that environment and public health are of the prime concerns to the Corporation and it is working with utmost sincerity towards providing healthy environment to citizens in pursuance to the right to life as enshrined in Article 21 of the Constitution of India.
7. That it is submitted that the Corporation is fully aware of its social responsibility and committed to the cause of preservation of environment and shall take all necessary measures for the implementation of any order that may be passed by this Hon'ble Tribunal in letter and spirit.

7. That it is humbly prayed that this Compliance Report may kindly be taken on record.

Through

Yagyawalkya Singh

Advocate

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT NEW DELHI

ORIGINAL APPLICATION NO. 989 of 2019

IN THE MATTER OF:

Ved Prakash Agarwal

... Applicant

-VERSUS-

Municipal Commissioner, Ghaziabad Municipal
Corpn. & Ors.

... Respondents

AFFIDAVIT

I, Mithlesh Kumar S/O Sh. Bhushan Singh aged 42 years, presently posted as City Health Officer, present at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am authorized to represent Municipal Corporation, Ghaziabad in the above-mentioned case and I am well conversant with the facts and circumstances of the case and as such competent to swear this affidavit in my official capacity.
2. That I have read and understood the contents of the present Affidavit and say that the contents are true and correct as per the official record available with my office and my belief.

3. That the contents of the Affidavit are drafted under my instructions and I have understood the same.

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Mishra
Deponent

VERIFICATION

I, the above-named deponent, verify that the contents of this affidavit are true and correct as per my belief and the official record available with my office, nothing material has been concealed there from.

Verified at New Delhi on this 12 day of February, 2020.

Mishra
Deponent