

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.551/2022**

IN THE MATTER OF:

DR. ASHOK KUMAR

..... APPLICANT

VERSUS

STATE OF U.P. & ORS.

..... RESPONDENTS

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RESPONDENT NO.3

Through

New Delhi
Dated: 10.04.2023

Nishi Kant Singh

CHAUDHARY LAW OFFICES
Advocates

K-2017, (L.G.F), Chittaranjan Park,
New Delhi – 110019

Ph. Nos.: (011)- 41053797

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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**COMPLIANCE AFFIDAVIT/ACTION TAKEN REPORT FOR
AND ON BEHALF OF THE RESPONDENT NO.3/GREATER
NOIDA AUTHORITY**

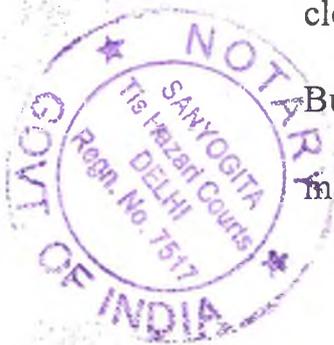
I, Nathauli Singh, S/o- Late Sukhram, Aged about 57 years, working as Assistant Director (Horticulture) in the office of Greater Noida Industrial Development Authority, having office at Plot No.1, Knowledge Park-IV, Greater Noida, Utter Pradesh-201308, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am working as Assistant Director (Horticulture) in the office of Greater Noida Industrial Development Authority/ Respondent No.3 (hereinafter referred as "*Answering Respondent*") and as such I am well conversant with the facts



and circumstances of the present case and therefore competent to affirm this affidavit.

2. That pursuant to and in respectful compliance of the order dated 14.12.2022 passed by this Hon'ble Tribunal in the above captioned matter, the Answering Respondent have got closed the Ready Mixed Concrete Plant (In short "*RMC Plant*") which was illegally run by M/s PMSS Building Material Pvt. Ltd./Respondent No.4 herein. It is submitted that a report to the said effect have also been sent by the Answering Respondent to Deputy Secretary, Uttar Pradesh Government, Industrial Development Section-4, Lucknow, Uttar Pradesh vide its Letter No. Assistant Director/Horticulture/2022-23/1769 dated 28.02.2023. A Copy of the said Letter dated 28.02.2023 sent by the Greater Noida Authority to the Deputy Secretary, Uttar Pradesh Government is being annexed herewith and marked as ANNEXURE-1. Copies of Photographs showing closure/removal of the illegal RMC Plant run by M/s PMSS Building Material Pvt. Ltd. are being annexed herewith and marked as ANNEXURE-2(Colly).



3. That the Answering Respondent based on the recommendations made by the Uttar Pradesh Pollution Control Board, vide its Letter dated 31.10.2022 had imposed an environmental compensation of Rs.1,00,000/- (Rupees One Lakh) on the Respondent No.4 and as such had directed the Respondent No.4 to deposit the said compensation amount within 15 days. It is humbly submitted that the said environmental compensation amount imposed by the Answering Respondent vide said Letter dated 31.10.2022 has been deposited by the Respondent No.4/ M/s PMSS Building Material Pvt. Ltd.

4. That the instant Compliance Affidavit/Action Taken Report is being filed for and on behalf of the Greater Noida Authority in due compliance of the order dated 14.12.2023 passed by this Hon'ble Tribunal in the above captioned matter. It is humbly submitted that the present Compliance Affidavit/Action taken Report may be taken on record by this Hon'ble Tribunal in the interest of justice

5. I say that the contents hereof are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed thereof.



6. That the contents have been read over to me in my vernacular and the same is understood by me and no part of it is false and nothing material has been concealed thereof.


N. Singh
DEPONENT (Horti.)
Greater Noida Authority
Gautam Buddh Nagar

VERIFICATION

Verified at New Delhi on this **10 APR 2023** day of **2023**, that the contents of the above affidavit are true and correct to the best of my knowledge and belief and upon the documents and nothing material has been concealed therefrom.


N. Singh
Asstt. Director (Horti.)
DEPONENT
Greater Noida Authority
Gautam Buddh Nagar



ATTESTED

**NOTARY PUBLIC
DELHI (INDIA)**

10 APR 2023

Nishi Kant Singh

2/396/2016



ग्रेटर नौएडा औद्योगिक विकास प्राधिकरण

प्लॉट संख्या-01, सैक्टर- नॉलेज पार्क-4, ग्रेटर नौएडा सिटी-201301, गौतमबुद्ध नगर उत्तर प्रदेश

Website : WWW.greaternoidaauthority.in email ID : authority@gnida.in

पत्रांक : सहायक निदेशक/उद्यान/2022-23/1769

दिनांक : 28/02/2023

सेवा में,

श्रीननोज कुमार मौर्या,
उप सचिव उत्तर प्रदेश शासन
औद्योगिक विकास अनुभाग-4
लखनऊ उत्तर प्रदेश

विषय :- माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0 ए0 संख्या 551/2022 डा0 अशोक कुमार बनाम उत्तर प्रदेश सरकार व अन्य में माननीय अधिकरण द्वारा पारित आदेश दिनांक 14.12.2022 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया अपने स्वाकीय पत्रांक एन0जी0टी0 11/77-4-2022 दिनांक 26.12.2022 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके नाव्यम से माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0 ए0 संख्या 551/2022 डा0 अशोक कुमार बनाम उत्तर प्रदेश सरकार व अन्य में माननीय अधिकरण द्वारा पारित आदेश दिनांक 14.12.2022 का अनुपालन सुनिश्चित करते हुए कृत कार्यवाही की सूचना की प्रति औद्योगिक विकास अनुभाग-4 को उपलब्ध कराए जाने की अपेक्षा की गई है। माननीय अधिकरण द्वारा पारित आदेश दिनांक 14.12.2022 के मुख्य अंश निम्नवत हैं:-

4. In view of the averments made in the application and observations made in the report, we consider it appropriate to have response from (1) the State of Uttar Pradesh (U.P), through the Chief secretary, Government of U.P.

(2) the Member Secretary, UPPCB; (3) the chief Executive Officers, Greater Noida Industrial Development Authority; (4) the District Magistrate, Gautam Budh Nagar and (5) M's PMSS Building Material Pvt. Ltd. Project Proponent who stand impleaded as respondents No.1 to 5. The registry is directed to prepare and attach memo of parties to the application. Respondent no.2 is already appearing before this Tribunal through counsel. Notices be Issued to respondents no.1 and 3 to 5.

(5) Reply/respose by redpondents no. 1 to 5 be filled within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of image PDF.

(6) List the further consideration on 01.02.2023.

(7) In the facts and circumstances of the case, we also consider presence of the Regional Officer, UPPCB and the Officer duly instructed/authorized by the CEO-Greater Noida Industrial Development Authority to be essential for producing the relevant record and assisting this Tribunal in just and fair adjudication of the questions involved in the case and accordingly, above Officers shall remain present before this Tribunal physically or through VC with relevant records on the date fixed."

सैक्टर-02 ग्राम पतवाडी के खसरा सं0-730 व 663 की भूमि प्राधिकरण की अर्जित व कब्जा प्राप्त भूमि है। उक्त खसरों की भूमि में प्राधिकरण द्वारा सैक्टर-02 के ब्लॉक डी0 में 130 मी0 चौड़ी सड़क के साथ 100 मी0 चौड़ी ग्रीन बैल्ट नियोजित है, जो कि अतिक्रमण के कारण बाधित है। प्राधिकरण की अर्जित व कब्जा प्राप्त भूमि पर

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श्री सुरेश चन्द पुत्र श्री कालूराम, निवासी ग्राम पतवाडी गौतमबुद्ध नगर द्वारा खसरा सं०-663 पर आर० एम० सी० प्लान्ट संचालित था। अतिक्रमणकर्ता को उत्तर प्रदेश औद्योगिक विकास अधिनियम-1976 की धारा-10 के अन्तर्गत नोटिस पत्रोंक अतिक्रमण/वरिष्ठ प्रबन्धक/उद्यान/2021-22/259 दिनांक 17.09.2021 प्रेषित किया गया एवं थाना बिसरख ने पत्रोंक उद्यान/2021-22/404 दिनांक 20.11.2021 के माध्यम से प्रथम सूचना रिपोर्ट हेतु तहसीर दी गई। उक्त अवैध निर्माण को रोकने/हटाये जाने की स्वीकृति विशेष कार्याधिकारी (एस० के०) महोदय द्वारा दिनांक 21.12.2021 को प्रदान की गई है। खसरा सं०- 663 ने पूर्व निर्मित आर० एम० सी० प्लान्ट के निर्माण/अतिक्रमण को हटाये जाने की कार्यवाही के दौरान शान्ति व्यवस्था बनाये रखने हेतु पुलिस उपायुक्त, जनपद गौतमबुद्धनगर (उत्तर प्रदेश) महोदय से पत्रोंक वरिष्ठ प्रबन्धक/उद्यान/2022-23/224 दिनांक 10.05.2022 (प्रति संलग्न है) एवं पुनः पत्रोंक अ०नु०का०अ०(पी०)/ अतिक्रमण/उद्यान/2022-23/1683 दिनांक 03.02.2023 (प्रति संलग्न है) के माध्यम से पुलिस विभाग गौतमबुद्ध नगर से समन्वय स्थापित कर उक्त खसरा संख्या से उक्त अवैध अतिक्रमण को हटा दिया गया है।

संलग्नक :- उपरोक्तानुसार

Signed by
Anand Vardhan
ACEO
28/02/23 11:08:57

(आनन्द वर्धन)

अपर मुख्य कार्यपालक अधिकारी

प्रतिलिपि :-

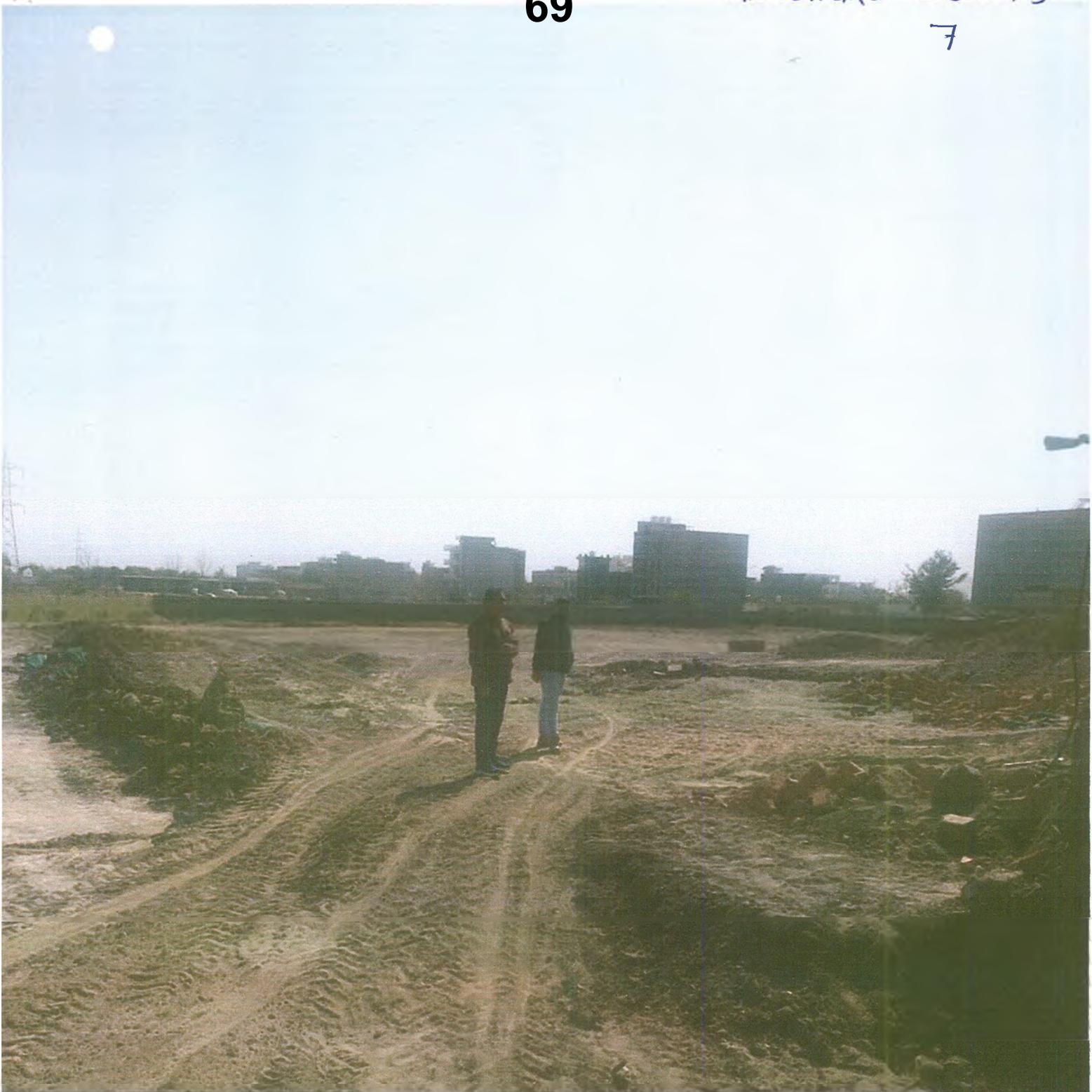
1. स्टाफ अफेयर्स या मुख्य कार्यपालक अधिकारी महाराज के सजानार्थ।
2. अपर मुख्य कार्यपालक अधिकारी (आर० एम० सी०) का सूचनाार्थ।
3. वरिष्ठ प्रबन्धक (उद्यान) का आवश्यक कार्यवाही हेतु प्रेषित।
4. गार्ड फाईल।

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अपर मुख्य कार्यपालक अधिकारी

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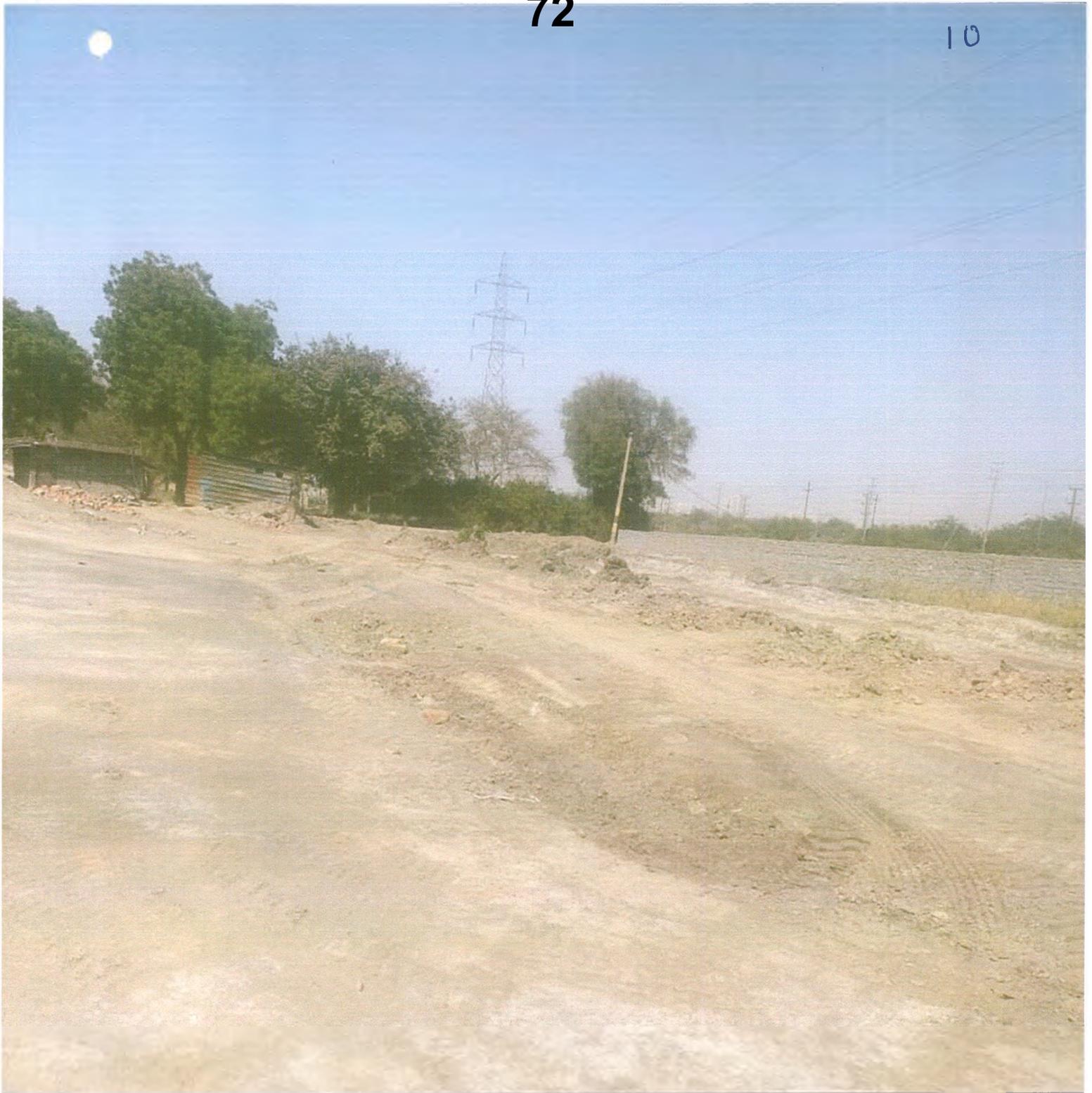
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IN THE

Hon'ble National Green Tribunal, Principal Bench, New Delhi

11

In the matter of:

Dr. Ashok Kumar

Plaintiff(s)/ Petitioner(s)/
... Appellant(s)/ Applicant(s)

VERSUS

state of U.P. & Ors.

... Defendant(s)/ Respondent(s)

KNOW ALL to whom these presents shall come that I/WE Nathand Singh Assistant Director (Horticulture), Gwalior
the above named AR of the Respondent No. 3 do hereby appoint

Mr. ABDHESH CHAUDHARY (D/2498A/1999)
 Ms. MANISHA SURI (D/412-H/2000)
 Mr. NILENDU VATSYAYAN (D/2561/2005)
 Mr. NISHIKANT SINGH (D/396/2016)
 Ms. GEETANJALI SETIA (D/3817/2020)
 Ms. MEENA YADAV (D/588/2020)



ADVOCATE(S) for

CHAUDHARY LAW OFFICES

Office at : K-2017, (L.G.F), CHITTARANJAN PARK, NEW DELHI – 110019.

Ph. No. 011-41053797, (M) 9810075174

Email: chaudharylawnoffices@gmail.com

Hereinafter called the Advocate(s) to be my/our Advocate(s) in the above noted case and authorize him/them:-

- (1) To act, appear and plead in the above noted case in this Court, or any other Court to which the same may be transferred, or the Court where the same may be tried or heard and also in the appellate Courts.
- (2) To accept notice/process of Court on my behalf.
- (3) To sign, file and present all pleadings, replications, rejoinders, appeals, cross-objections, petitions, counter affidavits, objections, affidavits, applications, including applications for execution, restoration, withdrawal and compromise, or such other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
- (4) To file and take back documents.
- (5) To withdraw or compromise the said case.
- (6) To take out execution proceedings.
- (7) To deposit, withdraw and receive moneys, cheques and other instruments and grant receipts therefor.
- (8) To do all other acts and things as may be deemed necessary or required to be done in the course of prosecution of the said case.
- (9) To appoint and instruct another advocate(s) and authorize him/her/them to exercise the powers and authority hereby conferred whenever the Advocate(s) may think fit to do so and to sign a power of attorney on my/our behalf for the said purpose.

And I/We do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We the undersigned do hereby agree not to hold the Advocate(s) or his substitute responsible for the result of the said case.

And I/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents this the 10th day of April, 2023.

Accepted subject to terms of fee.

Abdesh Chaudhary
 (ABDHESH CHAUDHARY)

Manisha Suri
 (MANISHA SURI)
 E. No. D/412-H/2000
 Mob.: 9810075174

Nishikant Singh
 (NISHIKANT SINGH)

Nathand Singh
 Signature of Nathand Singh
 Assst. Director (Horti.)
 Greater Noida Authority
 Santam Budd Nagar

Geetanjali Setia
 (GEETANJALI SETIA)

(NILENDU VATSYAYAN)

(MEENA YADAV)





CHAUDHARY LAW OFFICES <chaudharylwoffices@gmail.com>

Service of Compliance Affidavit/Action Taken Report

1 message

CHAUDHARY LAW OFFICES <chaudharylwoffices@gmail.com>

Mon, Apr 10, 2023 at 6:55 PM

To: csup@nic.in, dmgbn@nic.in, pankajtomar11150@gmail.com, "president.sampoornamaoa@gmail.com" <president.sampoornamaoa@gmail.com>

In Re: Dr. Ashok Kumar Vs. State U.P. & Ors.**O.A. No.551/2022****(Before the Hon'ble National Green Tribunal, New delhi)**

Dear Sir/Madam

Please find the attached Compliance Affidavit/Action Taken Report being filed for and on behalf of the Respondent No.3/Greater Noida Authority in the above captioned matter.

Regards

Nishi Kant Singh

for Chaudhary Law Offices**Advocates****K-2017,(LGF)****Chittaranjan Park****New Delhi-110 019.****+91-11-41053797**

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**COMPLIANCE AFFIDAVIT.pdf**

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