

**Action Taken Report**  
**In the matter of**  
**Original Application No. 559 of 2019**

**Sarvesh Dangwal**  
(Applicant)

**Vs**

**State of Uttarakhand**

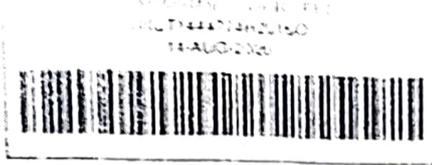
(Respondent)

In the order passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi on dated 15.01.2020, directed that Let the State PCB take further action after following due procedure of law and furnish a compliance report to the Tribunal before the next date..."

The compliance report is as follows:-

The Uttarakhand Pollution Control Board has **filed the complaint case** against the Arboria Luxury Home Dehradun under relevant sections of the Water (Prevention and Control of Pollution) Act, 1974 before the Hon'ble Designated Court on dated 04.09.20. Copy of such complaint case filed by Regional Officer of the SPCB is annexed at **Annexure-1**

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IN THE COURT OF A. C. J. M. V. DEHRADUN

Complaint No. of 2020

Uttarakhand Pollution Control Board (UEPPCB), through Regional Officer Shri Amit Pokhriyal (I/C) S/o Shri J.K. Pokhriyal, E-115, Nehru Colony, Dehradun.

Vs.

1. M/s. Arboria Luxury Homes, Tarla Nangal, Dehradun through Manager
2. Shri Randhir Singh, Director, House No. H-43, Green Park Extension, New Delhi.
3. Shri Lalit Jain, House No. H-43, Green Park Extension, New Delhi.
4. Shri Ajay Kumar Gupta, House No. K-1, Green Park Main, New Delhi.

..... Accuseds

Complaint U/s-25, 41 to 44, 47 & 49 of The Water (Prevention and Control of Pollution) Act 1974 read with Section-37, 38, 40 and 43 of the Air (Prevention and Control of Pollution) Act, 1981

P.S. Nehru Colony, Dehradun.

The complainant submits as under:

1. That the complainant Uttarakhand Pollution Control Board, UKPCB in short, is the State Pollution Control Board constituted U/s 4 of the Water (Prevention & Control of Pollution) Act 1974 and had been established under the said Act by the State Govt. for the proper discharge of functions and exercise powers under the Provisions of said Act as well as other relevant Acts, and is a legal corporate entity of the State.
2. That for the protection and improvement of environment and for matters connected therewith, the Central Govt. had made various enactments being Act No. 6 of 1974, the Water (Prevention & Control of Pollution) Act 1974, Act No. 14 of 1981 the Air (Prevention & Control of Pollution)

सत्रीय अधिकारी (प्रो)

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

Dehradun

Act 1981 & Act No. 29 of 1986, i.e., The Environment (Protection) Act 1986. As per S.O. 39.4 (E), the Central Govt. has authorized the officers and authorities of the complainant U/ss. 49, 43 & 19(a) of the said respective Acts, for the entire State of Uttarakhand, to take cognizance of offence & to initiate a complaint against the person, who fails to comply with or contravenes any of the Provisions of the said Acts and defy the orders of the complainant Board as well as Central Pollution Control Board.

3. That as per Sl. No. 7 of the said S.O. the Officers of the State Board/Complainant who have been delegated powers under the aforesaid Acts have been authorized to initiate the complaint and accordingly Regional Officer of the Board is authorized to initiate action under the aforesaid sections i.e. 49 & 43 respectively of the said Acts and thus empowered to initiate the present complaint and do all acts with respect to the present complaint.
4. That the o.p's have established their building apartment at the address i.e. Tarla Nangal, Dehradun, without any NOC from the complainant and vide inspection dated 13-11-2014 it was found that the accused have raised apartment of 96 flats and had installed sewage treatment plant but without obtaining consent to establish/consent to operate from the complainant board prior to such construction under the water Act 1974. That not only the violation of the provision of Water Act has been done but also the provisions of the Air Act have been violated, since even the air stack was not established.
5. That the unit was again inspected by the inspection team of the Board on 16-12-2016 but the accused and persons under them have denied the inspection of the project of respondent No.-1 and thus had committed violation of the aforesaid provisions, despite service of a previous show cause notice u/s-33-A of the Water Act and section-31-A of the Air Act as on 20-01-2015.
6. That the accused No.-1 was again sent a direction for closure of the said project of process vide letter dated 21-03-2017 and the help of the District Magistrate Dehradun was also taken but since about 40 flats were inhibited, accordingly, the process could not be closed.
7. That the project of the accused No.-1 was again got inspected on 03-04-2017 vide inspection Memo and the inspection report revealed that there

अधीकरी (प्र०)

उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड

ई-115 नेहरू कालोनी देहरादून

were 96 flats in the said project wherein 40 flats were occupied by the people. Sewage treatment plant was installed for discharge of the sewage, which was operative and the sample was collected for examination in the laboratory. The inspection team had also reported that since the closure/sealing of the operation of STP/the project was not possible because of the inhabitants of the flats, accordingly, other legal action was recommended.

8. That on such recommendation of the Regional Officer as per his letter dated 06-04-2017, the Board has considered it proper to initiate the instant legal proceedings for which a modified direction vide letter dated 30-05-2017 was also served to the accused No.-1 thereby clearly informing the project proponents i.e. accused No.-2 to 4 that the instant legal proceedings would be initiated against them on their failure to comply. However, the accuseds have failed to amend themselves and obtain the required NOC i.e. consent to establish and consent to operate, from the complainant Board. Hence, the instant legal proceedings are being initiated against the accused persons.
9. That to the utter surprise and dismay of the officers of the Board, the accused had neither replied to the aforesaid show cause direction nor had obtained consent as per the provisions of the said Act.
10. That since the power to take action regarding environmental matters under the Provisions of, The Water Act-1974, The Air Act-1981 and The Environment (Protection) Act 1986, exists with the Complainant Authority, accordingly the matter has been referred to the Member Secretary of the Complainant Board and thereafter the matter was finally considered by the Regional Office of the region, where the offence has been committed by the o.p's and after due approvals, the legal action, as stipulated for, is being taken.
11. That in furtherance to the Provisions of Section-37, 38, 40 and 43 of the Air Act, 1981 read with section-25, 41, 42, 43, 44 & 47 of the Water Act, (to which the accused had shown total disregard and neglect) the complainant Authority is duty bound to get the wrong doers punished through the intervention of this Ld Court, so that in future, such wrongs and neglects towards the statutory provisions could be checked and the

  
अधीक्षक (गप)  
उत्तराखण्ड प्रदूषण नियंत्रण बोर्ड  
ई-119, गेहक कालोनी, देहरादून

