



पत्रांक:- 1402/L-165/2024

दिनांक:- 02-02-2024

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in

Sub: Report on behalf of U.P. Pollution Control Board in compliance of the order dated 04-12-2023 passed by Hon'ble National Green Tribunal, New Delhi in Original Application No. 139 of 2023 Prayag Hospital & Research Center Pvt Ltd Vs. Union of India & Ors.

Sir,

In compliance of the order dated 04-12-2023 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 139 of 2023 Prayag Hospital & Research Center Pvt Ltd Vs. Union of India & Ors., monitoring on site has been carried out on 14.01.2024, 19.01.2024 and 30.01.2024. In view of findings and observations, report has been prepared as per directions of Hon'ble Tribunal.

Also, in compliance of above orders, a copy of report being filed is being sent to Respondent No. 2, Respondent No.(4-6) as well for further action. Copy of report is being annexed herewith for kind persual with the request that the same may be placed before the Hon'ble Tribunal for consideration and necessary directions.

Yours Sincerely


(Utsav Sharma)
Regional Officer

Copy to:

1. District Magistrate, Gautam Buddha Nagar.
2. Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/ NGT, New Delhi for persual and necessary action please.
3. Chief Environmental Officer, C-1 , U.P. Pollution Control Board, Lucknow for information.
4. Law Officer-I, U.P. Pollution Control Board, Lucknow for information.

Regional Officer

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 139 OF 2023**

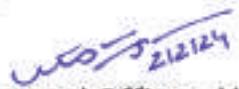
IN THE MATTER OF:

M/s Prayag Hospital & Research Centre Pvt. Ltd. ...Applicant
Versus
Union of India & Ors. Respondent

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FILED BY


Regional Officer, UPPCB
NOIDA, GB Nagar

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 139/2023

In the matter of:

M/s Prayag Hospital & Research Centre Pvt. Ltd. ...Applicant

Versus

Union of India & Ors. ...Respondent

STATUS REPORT ON BEHALF OF UTTAR PRADESH POLLUTION CONTROL BOARD IN COMPLIANCE OF ORDER DATED 04.12.2023.

IT IS MOST RESPECTFULLY SHOWETH:

1. That the instant matter was taken up by this Hon'ble Tribunal on basis of an application alleging that Respondent No. 4, which is a Community Centre in Sector 41, Noida is located in 'Silence Zone' a it is situated within 100 meters of a hospital.
2. That it has also been alleged that, Respondent No. 4 is engaged in organizing parties, wedding celebrations, dinner parties and various other recreational activities and playing loud music creating nuisance in the said area.
3. That in view of the above averments, Hon'ble Tribunal, vide order dated 13.03.2023 had issued notices to all Respondents and constituted a Joint

Committee comprising of representatives of Chief Executive Officer, NOIDA, the Member Secretary, Uttar Pradesh Pollution Control Board and the District Magistrate, Gautam Buddha Nagar for looking into the grievances of the applicant, verifying the factual status on site by means of site visit, and taking remedial action following due course of law. In compliance of same, the Joint Committee's report has been submitted in Hon'ble Tribunal on 23.05.2023 and has been acknowledged in Tribunal's order dated 4.12.2023.

4. That in view of findings of the Joint Committee, the Hon'ble Tribunal has passed following order on 4.12.2023:-

"...6. The UPPCB is directed to carry out requisite monitoring during night time particularly during organizing/solemnising of 2 or 3 marriages in the Community Centre. The UPPCB is also directed to look into the causes of high ambient air quality values in respect of noise observed during day time in front of Prayag Hospital Main Road and RWA Gate near Prayag Hospital as mentioned in its report of the Joint Committee. The UPPCB is also directed to suggest remedial measures besides making its observations in the report.

7. Report regarding observed values of ambient air quality in respect of noise and also causes of high ambient air quality values in respect of noise be filed on or before 31.12.2023 through E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF).

8. UPPCB is also directed to send a copy of its report to respondents no. 2 and 4 to 6 and respondents no. 2 and 4 to 6 are directed to take remedial measures in accordance with law and to file their response/Action taken report on or before 31.01.2024 through E-filing portal (not through E-mail) in the form of searchable PDF/OCR Support PDF (not in the form of Image PDF)..."

5. That in compliance of above-mentioned order of Hon'ble Tribunal, the Regional Officer, UP Pollution Control Board, Noida issued a letter to Manager, Community Centre, Sector 41, Noida on 08.12.2023 to provide information regarding bookings at the Community Centre so that noise monitoring exercise may be carried out when marriage/event is being carried out at the Community Centre. Copy of the said letter is annexed as *Annexure I*.
6. That the President, Resident Welfare Association, Sector 41, Noida vide his letter dated 19.12.2023 has responded to Board's letter dated 8.12.2023 and informed that the bookings have been made in the Community Centre for 14.01.2024 (Mata Ki Chowki) and 30.01.2023 (Marriage). Copy of said letter is annexed as *Annexure II*.
7. That as per the directions of Hon'ble Tribunal, the State Board had to carry out noise monitoring at the time of event/function and submit report by 31.12.2023. However, as per information shared by President, Resident Welfare Association, the events were to be carried out on 14.01.2024 and 30.01.2024. Thus, the deadline of 31.12.2023 could not be adhered to and delay be condoned.
8. That the State Board has carried out monitoring at five locations on 14.01.2024 during Mata ki Chowki held at the Community Centre. The

said event was held between 1900Hours to 2300Hours on 14.01.2024.

The occupancy of the hospital on 14.01.2024 was reported to be on around 52 beds. Data of noise levels on said day has been presented in the Table below:

Ambient Noise Level Monitoring Prayag Hospital, Sector- 41 Noida

Sr. No.	Location	Date 14-01-2024			
		14:00 (Day Time)	17:00 (Day Time)	20:00 (Day Time)	23:00 (Night Time)
		Leq dB(A)	Leq dB(A)	Leq dB(A)	Leq dB(A)
1	Community Center Main Gate, Sector 41, Noida	<u>61.4</u>	<u>70.4</u>	<u>64.8</u>	<u>58.1</u>
2	Prayag Hospital, Main Gate (Emergency Gate)	<u>65.4</u>	<u>70.0</u>	<u>74.9</u>	<u>56.2</u>
3	Prayag Hospital, Near D.G. Set	<u>75.4</u>	<u>56.0</u>	<u>59.8</u>	<u>53.2</u>
4	Prayag Hospital, Near E.T.P. Gate	<u>62.5</u>	<u>58.0</u>	<u>64.8</u>	<u>54.9</u>
5	Prayag Hospital, 2 nd Floor Room no. 203	<u>52.5</u>	<u>55.9</u>	<u>54.6</u>	<u>48.9</u>

Ambient Air Quality Standards in Respect of Noise

Area Code	Category of Area/ Zone	Limit in dB(A) Leq	
		Day Time	Night Time
D	Silence Zone	50	40

9. That the State Board has again carried out monitoring on the second floor in Room 203 (which is closest to the Community Centre) on 19.01.2024 to ascertain noise levels inside the rooms on a normal day. The occupancy of the hospital on 19.01.2024 was reported to be on around 65 beds and there were no patients in any of the rooms on the second floor. Data of noise levels on said day were within limit and same has been presented in the Table below:

Ambient Noise Level Monitoring Prayag Hospital, Sector- 41 Noida

Sr. No.	Location	Date 19-01-2024		
		19:00-20:00	20:00-21:00	21:00-22:00
		Leq dB(A)	Leq dB(A)	Leq dB(A)
1	Prayag Hospital, 2 nd Floor Room no. 203	48.5	46.5	41.4

Ambient Air Quality Standards in Respect of Noise

Area Code	Category of Area/ Zone	Limit in dB(A) Leq	
		Day Time	Night Time
D	Silence Zone	50	40

10. That the State Board has again carried out monitoring at same five locations on 30.01.2024 during the 'nikaah' held at the Community Centre. The said event was held between 1900 Hours to 0000 Hours on 30.01.2024. No use of any DJ or noise enhancement equipment was done during the said event. The occupancy of the hospital on 30.01.2024 was reported to be on around 40 beds and there were no patients in any of the rooms on the second floor. Data of noise levels on said day has been presented in the Table below:

Sr. No.	Location	Date 30-01-2024			
		14:00 (Day Time)	17:00 (Day Time)	20:00 (Day Time)	23:00 (Night Time)
		Leq dB(A)	Leq dB(A)	Leq dB(A)	Leq dB(A)
1	Community Center Main Gate, Sector 41, Noida	61.9	60.7	63.5	61.8
2	Prayag Hospital, Main Gate (Emergency Gate)	67.3	74.8	70.2	60.4

3	Prayag Hospital, Near D.G. Set	60.3	55.6	55.5	54.2
4	Prayag Hospital, Near E.T.P. Gate	66.3	68.2	59.3	64.2
5	Prayag Hospital, 2 nd Floor Room no. 203	56.4	54.6	53.5	48.5

11. That as presented in the Figure 1 below, the said Community Centre (in red) is sandwiched between a hospital (in yellow) and a school (in blue). Since an area of 100 meter around both school as well as hospital is a designated 'Silence Zone', use of any high decibel equipment is bound to be in violation of Noise Pollution Regulation and Control Rules, 2000 since the ambient air quality standard with respect to noise for a silence zone is 50 dB(A)_{Leq} during day time and 40dB(A)_{Leq} during night time.



Figure 1: Location map of Community Centre, Sector 41, Noida

12. Identified Causes of Noise Pollution and Suggestions

Since area around the hospital has been designated as a Silence zone, the ambient air quality with respect to noise for has to be maintained within standards of 50 dB(A)_{Leq} during day time and 40dB(A)_{Leq} during night time. However, from the data presented above, it is evident that the noise levels at the periphery of the hospital premises are beyond the notified standards during day as well as night. It has been observed that the noise levels are beyond permissible limits even when there is no gathering at the community centre. Some of the major causes leading to high decibel values have been enlisted hereunder

- a) The said Health Care Facility is located on a 45.0 meter wide road, this is the main trunk road which connects various sectors of Noida with Dadri road and eventually terminates at T-Junction of Sector 107, Noida. Since there is no buffer area or sound breaking wall between the hospital premises and the main road, noise due to vehicular movement and honking has adverse impact on the noise levels on the main gate and front region of the hospital. Health Care Facility may be directed to install noise barriers within the premises along the front boundary. Noida Authority has already planted species having good vertical growth outside the premises and they act as natural noise barriers.

Additional plantation of appropriate species may be carried out by the health care facility in consultation with horticulture division of Noida Authority for further reduction of contribution of noise due to regular movement of traffic on the main road.

- b) A cut has been made on the median of 45.0-meter road right in front of the hospital, this is used as a U-turn and interrupts the smooth flow of vehicles on the 45.0 meter road which leads to honking in the region thereby causing high noise levels. Noida Authority and Traffic Police may carry out survey on the said stretch and design a U-turn further towards the Dadri Road to maintain smooth flow of traffic in line with road engineering principles.
- c) The said Health Care Facility is a 100 bedded hospital and has five ambulances but there is no parking space within the premises for ambulances or the patients and their attendants. This leads to unauthorized parking on the main road in front of the hospital and leads to traffic snarls which again leads to higher noise levels. Besides this, the STP installed by the hospital has been installed outside the premises along the boundary wall which further reduces the area for parking. The Hospital Management should engage a valet parking agency for management of parking and get the vehicles parked in an

- area earmarked for parking by Noida Authority. Area in front of the hospital should be for patients drop off and emergency services only.
- d) The Community Centre should adhere to the guidelines issued by Noida Authority with regards to operation of the community centre. The space should not be leased out to residents outside the Sector.
 - e) Also, the events and activities where DJs and noise enhancing equipment are to be used should be held within the closed halls/rooms of the community centre and not in the open area adjacent to the rear end of the hospital. The responsibility of adhering to the timings of permitting DJs and noise enhancing equipment shall be of President, Secretary and office bearers of the RWA, Sector 41 and they should be held responsible for default henceforth.
 - f) The Community Centre should carry out engineering upgrades with regards to insulation of halls so that the ambient noise levels are not impacted when noise enhancing equipment is played within the halls.
 - g) The Health Care Facility should also carry out engineering upgrades with regards to insulation of windows and other such areas to ensure that noise levels are within limits inside the rooms for comfort of the patients as apart from external sources, noise is also created by compressors, DG sets and other equipments within the premises.

- h) Auditorium of Sri Chaitanya Techno School is also adjacent to the open area of the Community Centre. Administration of the school should ensure that cultural events at the school should be held within the auditorium and no noise enhancing equipment/loudspeaker is used in the open area outside the auditorium.
- i) The main entrance of Sri Chaitanya Techno School, Sector 41 is on a 9.0-meter road due to which traffic snarls in the area are bound to happen during early morning before the school commences and during after school hours. The school management should deploy private guards to ensure smooth movement of traffic in the area.
- j) Regional Office of the State Board has written a letter to M/s Prayag Hospital and Research Centre (P) Ltd. on 19.01.2024 to provide a copy of the sanctioned map of the premises so that further noise management suggestions along the boundary adjacent to the Community Centre could be given in accordance with sanctioned map. Health Care Facility has not submitted a copy of same at the time of preparation of same. Noida Authority may verify the status of the sanctioned map and recommend installation of noise barriers along the rear boundary wall of the HCF to further reduce the noise due to external factors. Copy of the said letter is annexed as *Annexure III*.

Site photographs taken at the time of inspection on 14-01-2024 and 30-01-2024 have been presented below.

Besides above-mentioned recommendations, in view of the location of the HCF on a 45.0 meter road, it is also advisable that M/s Prayag Hospital and Research Centre may consult a pioneer agency for providing inputs for negating the impact of all sources of noise-pollution.



Figure 1-STP located outside the premises



Figure 2- Monitoring inside room 203



Figure 3- Silence zone hoarding near the HCF



Figure 4- Notice in the Community Center



Figure 5- Rear part of HCF adjoining Community Center



Figure 6- Sai Chetanya Techno School adjoining Community Center

The report is hereby being submitted in compliance of directions of Hon'ble Tribunal dated 04.12.2023 for kind perusal and further necessary directions.

(Anil Srivastava)
Scientific Assistant
UPPCB, Noida

(P.P. Singh)
Assistant Environmental Engineer
UPPCB, Noida

(Utsav Sharma)
Regional Officer
UPPCB, Noida

पत्रांक: 1166/ 6-165/2023

दिनांक:- 08/12/2023

सेवा में,

प्रबन्धक,

सामुदायिक केन्द्र

सेक्टर-41, नोएडा, गौतमबुद्धनगर।

विषय:-मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0-139/2023 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 सं0-139/2023 में माननीय अधिकरण द्वारा दिनांक 04.12.2023 को निम्न आदेश पारित किये गये हैं:-

“6. The UPPCB is directed to carry out requisite monitoring during night time particularly during organizing/solemnising of 2 or 3 marriages in the Community Centre. The UPPCB is also directed to look into the causes of high ambient air quality values in respect of noise observed during day time in front of Prayag Hospital Main Road and RWA Gate near Prayag Hospital as mentioned in its report of the Joint Committee. The UPPCB is also directed to suggest remedial measures besides making its observations in the report.”

अतः उपरोक्त के आदेश के अनुपालन में आपको निर्देशित किया जाता है कि वर्तमान से दिनांक 30.01.2024 तक की अवधि में आपके सामुदायिक केन्द्र में आयोजित होने वाले समस्त समारोहों की दिनांक एवं कार्यक्रम के समय एवं प्रकार की सूचना उपलब्ध कराया जाना सुनिश्चित करें, जिससे कि मा0 अधिकरण के आदेश के अनुपालन में अनुश्रवण कराया जा सके।

भवदीय



(उत्सव शर्मा)

क्षेत्रीय अधिकारी

01/5

प्रतिलिपि:-निम्नलिखित को सूचनार्थ

1. अपर मुख्य कार्यपालक अधिकारी (SK), नवीन ओखला औद्योगिक विकास प्राधिकरण, सेक्टर-6, नोएडा।
2. विधि अधिकारी-प्रथम, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।



क्षेत्रीय अधिकारी

01/5



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Annexure-2

RESIDENTS WELFARE ASSOCIATION

RWA Chowk, Sector - 41 NOIDA-201303, Ph.: 0120-4357243, E-mail : rwasec41@gmail.com
Website : www.rwa41noida.com, Airtel Intercom - Office # 7243

26/12-23

President
ANIL KHANNA
C-92
98110-79933

RWA-41/2023-24/746

Date: 19/12/2023

To,

Mr Utsav Sharma
Regional Officer
UP Pollution Control Board
E-12/01, Sector-1, Noida

Dear Sir,

Subject: NGT, New Delhi AO-139/2023

This refers to your letter number 1166/L-165/2023 dt 8.12.2023 regarding monitoring of quality values in respect of noise during night and also in the day time in front of Prayag Hospital.

We hereby give below the details of function date wise booked upto 30.01.2024

	Date	Functions
1.	14/01/2024	Mata Ki Chowki
2.	30/01/20224	Marriage

We hereby also confirm that the above information has also been given to the guest in order to maintain noise quality values much below during night/daytime.

Thanks and warm regards.

For Residents Welfare Association
Sector – 41, Noida

Anil khanna
President

Sr. CLERK/SA/AEE-I-II-III
कृ० नियमानुसार आवश्यक कार्यवाही करे।

D
क्षेत्रीय अधिकारी

CC: CEO Sector - 6 Noida
Legal Officer 1st UP NGT Board, Lucknow

EXECUTIVE MEMBERS

Lt Col Jaipal Singh (Retd.)
A-161
98919-99031

Lt R.C. Sharma
B-194
91362-63644

Mahesh Dadu
D-114
98106-27606

Mrs. Pushkar Mehra
J-170
98104-41426



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 क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, नोएडा
 REGIONAL OFFICE, U.P. POLLUTION CONTROL BOARD, NOIDA

पत्रांक : 1372/L-165/24

दिनांक: 19-01-2024

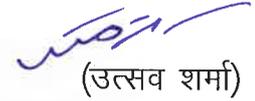
मैसर्स प्रयाग हास्पिटल एण्ड रिसर्च सेन्टर प्रा०लि०,
 जे-206/ए-1, सेक्टर-41,
 नोएडा, गौतमबुद्धनगर

विषय:—मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ०ए० सं० 139/2023 मै० प्रयाग हाँस्पिटल एण्ड रिसर्च सेन्टर प्रा०लि० बनाम यूनियन ऑफ इण्डिया एवं अन्य के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। आप अवगत है कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में उपरोक्त वाद विचाराधीन है। जिसमें सुनवाई हेतु आगामी तिथि दिनांक 15.02.2024 नियत है। मा० अधिकरण में उपरोक्त संदर्भित आख्या प्रस्तुत की जानी है, जिस हेतु आपके हास्पिटल के सत्यापित मैप की प्रतिलिपि की आवश्यकता है।

अतः मा० अधिकरण के आदेशों का अनुपालनार्थ आपको निर्देशित किया जाता है कि उपरोक्त अभिलेख इस कार्यालय को अविलम्ब उपलब्ध कराने का कष्ट करें।

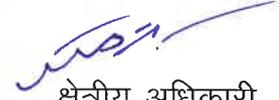


(उत्सव शर्मा)

क्षेत्रीय अधिकारी

01/2

प्रतिलिपि:—अपर मुख्य कार्यपालक अधिकारी (एस०के०), नवीन ओखला औद्योगिक विकास प्राधिकरण, सेक्टर-6, नोएडा, गौतमबुद्ध नगर।



क्षेत्रीय अधिकारी

01/2
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