

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 579/2023

IN THE MATTER OF:

RAJESH KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENT

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THROUGH COUNSEL



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DATE: 21.04.2025

PLACE: GHAZIABAD

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 579/2023



IN THE MATTER OF:

RAJESH KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS

.....RESPONDENT(s)

**ACTION TAKEN REPORT ON BEHALF OF UTTAR PRADESH
POLLUTION CONTROL BOARD IN COMPLIANCE OF THE ORDER
DT. 06.11.2023 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, PRINCIPAL BENCH NEW DELHI**

I, Ankit Singh aged about 38 years S/o Shri Ajit Singh, presently posted as Regional Officer, Uttar Pradesh Pollution Control Board, Ghaziabad, Uttar Pradesh, do hereby solemnly affirm and state on oath as under:



19 APR 2023

Ankit Singh

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present report.
2. That I state that the contents of the report have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.
3. That the grievance raised by the Applicant in the present matter pertains to alleged unauthorized and environmentally harmful activities being conducted by M/s Himanshu Marble Stone and Fabricator, situated in front of the Applicant's residence. It is contended that large-scale unloading of marble stones at the said premises is generating substantial dust and air pollution, thereby adversely affecting the respiratory health of nearby residents.
4. That the above captioned matter was last listed for hearing on 06.11.2023, wherein the Hon'ble Tribunal directed as under:
"2. Such an issue relating to compliance of the environmental norms by the concerned person is required to be looked into by the Regional Officer, Uttar Pradesh Pollution Control Board (UPPCB), Ghaziabad....."



19 APR 2023

Sandeep Sharma

3. Hence, we dispose of the present OA directing the Regional Officer, UPPCB, Ghaziabad to duly examine the complaint as noted above and take remedial action in accordance with law. The action taken report be submitted by the Regional Officer, UPPCB, Ghaziabad before the Registrar General of this Tribunal within three 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. If found necessary, the matter be listed for consideration....”

5. That in compliance of the aforementioned directions of the Hon'ble Tribunal, the officials of UPPCB inspected the site in question on 30.01.2025 to ascertain the truthfulness of the allegations.

A Copy of the Inspection Report dt. 30.01.2025 has been annexed herewith as ANNEXURE A-1.

6. The findings of the said inspection are summarized hereinbelow:

- That M/s Himanshu Marble House is located at Plot Nos. 611 & 612, Sector-14, Vasundhara, Ghaziabad, directly opposite to the premises previously occupied by the Applicant, i.e., House No. 12/114, Vasundhara, Ghaziabad.



Sandeep Sharma

19 APR 2025

(Photographs of the said site have been attached within ANNEXURE A-1.)

- The said unit was found to be engaged in the storage and sale of marble stones. No activity involving cutting or polishing of marble was observed at the site at the time of inspection.
- That during the inspection, the officials of UPPCB had a telephonic conversation with the Applicant on Mobile No. 9810388122. During the said communication, the Applicant conveyed that he has sold his aforementioned property and no longer resides at the said address.
- A noise level analysis was conducted at the site, and the resultant Noise Monitoring Report revealed that the measured decibel levels were within the permissible limits prescribed for commercial zones. A copy of the Air and Noise Monitoring report has been annexed herewith as **ANNEXURE A-2**

- Ambient Air Quality Monitoring was also carried out at the site. As per the Ambient Air Monitoring Report, the concentration of PM₁₀ was found to be 106 µg/m³. The marginal elevation in PM₁₀ concentration may be attributed to vehicular movement in the vicinity.
- During the course of the inspection, the proprietor of M/s Himanshu Marble House informed that marble stone transportation is conducted



19 APR 2025

dubit S

through large trucks owned by different suppliers and that loading/unloading activities occur only occasionally. It is noteworthy that no such activity was observed at the time of inspection.

- Further, the current owner of House No. 12/114, Vasundhara, Ghaziabad, Shri Tejpal Singh, was contacted during the inspection. He stated that he has no grievance against the operations of the nearby shop.

7. That with respect to the aforementioned observations of the inspection committee concluded as under:

- That the noise levels recorded during the inspection were within the permissible limits applicable to commercial areas.
- That the concentration of PM₁₀, although marginally elevated (106 $\mu\text{g}/\text{m}^3$), does not suggest continuous or hazardous levels of air pollution and may be due to transient vehicular movement.
- That no significant dust emissions were observed from the stored marble stones at the site during the inspection.

8. That in light of the above, the UPPCB has ensured necessary compliance in strict adherence to the directions issued by the Hon'ble Tribunal.

9. Hence, the present affidavits being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.



19 APR 2025

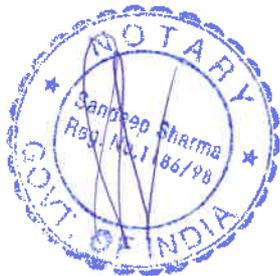
Sandeep Sharma

Debit S
DEPONENT

VERIFICATION

Verified at Ghazipur on this 19 day of April, 2025, that the contents of the above affidavit from paragraphs 1 to 9 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Debit S
DEPONENT



19 APR 2025

Inspection report of M/s Himanshu Marble House, located at Plot No-611 & 612, Sector-14 Vasundhara, Ghaziabad in compliance to Hon'ble National Green Tribunal, New Delhi order dated 06-11-2023 in OA No-579/2023 in the matter of Rajesh Kumar Vs State of Uttar Pradesh.

1. Background :

Hon'ble National Green Tribunal, New Delhi has passed an order dated 06.11.2023 in OA No-579/2023 in the matter of Rajesh Kumar Vs State of Uttar Pradesh. The relevant para of order are reproduced hereunder:-

“.....3. Hence, we dispose of the present OA directing the Regional Officer, UPPCB, Ghaziabad to duly examine the complaint as noted above and take remedial action in accordance with law. The action taken report be submitted by the Regional Officer, UPPCB, Ghaziabad before the Registrar General of this Tribunal within three 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. If found necessary, the matter be listed for consideration.

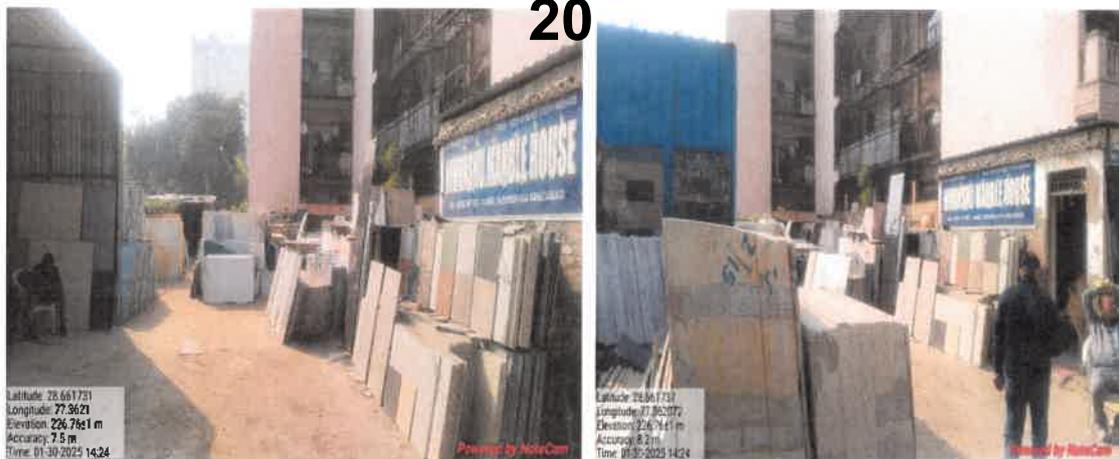
4. OA is accordingly disposed of.....”

2. Compliance :

In compliance to order dated 06.11.2023, of Hon'ble Tribunal inspection of site in question was carried out on 30.01.2025 to ascertain the truthfulness of allegations. During visit Shri Ajay Kumar Tyagi, Proprietor of Himanshu Marble House, was present at site. Observations made during visit are as follows:-

- i. During visit it was observed that the shop in the Name of M/s Himanshu Marble House, located at Plot No-611 & 612, Sector-14 Vasundhara, Ghaziabad is situated opposite house of complainant Shri Rajesh Kumar, 12/114, Vasundhara, Ghaziabad. Photographs of site is as below:





- ii. The shop in question is engaged in storing and selling of marble stones. Cutting/polishing of marble stones is not carried out.
- iii. During visit complainant Shri Rajesh Kumar, 12/114, Vasundhara, Ghaziabad was interacted on mobile number 9810388122 and the complainant informed that he has sold this property to some one else and no longer living to said place.
- iv. UPPCB conducted Ambient Noise Monitoring in premises of marble stone shop to assess noise level. Analysis result is tabulated in below:-

Ambient Noise Monitoring Report

| S. No. | Location | Observed value (Day) | | |
|--------|---|----------------------|------|-------------|
| | | Min | Max | Avg. (Leq.) |
| 1 | Premises of Himanshu Marble House, Plot No-611 & 612, Sector-14 Vasundhara, Ghaziabad (Near Office) | 54.6 | 74.0 | 62.2 |

| Standard for Noise level on dB(A) Leq. | Day | Night |
|--|-----|-------|
| Residential Area | 55 | 45 |
| Commercial Area | 65 | 55 |
| Silent Zone | 50 | 40 |
| Industrial Area | 75 | 70 |

- v. UPPCB conducted Ambient Air Monitoring in premises of marble stone shop to assess air quality. Analysis result is tabulated in below:-

Ambient Air Monitoring Report

| S. No. | Location | All values are in $\mu\text{g}/\text{m}^3$ | | | Weather Condition |
|--------|---|--|--|--|-------------------|
| | | PM ₁₀ (Standard Value-100 $\mu\text{g}/\text{m}^3$) | SO ₂ (Standard Value-80 $\mu\text{g}/\text{m}^3$) | NO ₂ (Standard Value-80 $\mu\text{g}/\text{m}^3$) | |
| 1 | Premises of Himanshu Marble House, Plot No-611 & 612, Sector-14 Vasundhara, Ghaziabad (Near Office) | 106.0 | 9.0 | 37.0 | Clear |

- vi. During the visit, the owner of Himanshu Marble House informed that the transportation of marble stones to the site is carried out using long trucks belonging to different suppliers. It was further stated that the loading and unloading of marble stones take place only occasionally. However, during the inspection, no unloading activity was observed at the site.
- vii. During visit new owner of house no 12/114, Vasundhara, Ghaziabad Shri Tejpal Singh was contacted and it was told that he has no complaint with the shop.

Conclusion-

- I. As per result of Ambient Noise Monitoring Report, observed value of noise level is within its limit in respect to standard for noise level in commercial area
- II. As per result of Ambient Air Monitoring Report, concentration PM₁₀ was observed 106µg/m³. The air Quality has increased marginally it may cause due to movement of vehicles in the area
- III. During visit no dust emission was found observed from the marble stones of

The above report in the said matter may kindly be taken on record.


(D.D. Verma)
Lab Assistant


(N.K. Pandey)
A.E.E.



Ambient Air Monitoring Report

Name of Monitoring Site : M/s Himanshu Marble House

Plot No. 611 & 612, Sector 14, Vasundhara Ghaziabad

Date of Monitoring : 30.01.2025 to 31.01.2025

Monitoring By : Shri D.D Verma, L.A. , Mr. Madan Gopal J.L.A.

| S. No. | Location | All values are in $\mu\text{g}/\text{m}^3$ | | | |
|--------|---|---|--|--|-------------------|
| | | PM ₁₀ (Standard Value- 100 $\mu\text{g}/\text{m}^3$) | So ₂ (Standard Value- 80 $\mu\text{g}/\text{m}^3$) | So ₂ (Standard Value- 80 $\mu\text{g}/\text{m}^3$) | Weather Condition |
| 01 | Premises of Himanshu Marble House, Plot No - 611 & 612 Sector - 14 Vasundhara Ghaziabad (Near Office) | 106.0 | 9.0 | 37.0 | Clear |


Lab Assistant


Assistant Scientific Officer


Regional Officer



Ambient Air Monitoring Report

Name of Monitoring Site : M/s Himanshu Marble House

Plot No. 611 & 612, Sector 14, Vasundhara Ghaziabad

Date of Monitoring : 30.01.2025 to 31.01.2025

Monitoring By : Shri D.D Verma, L.A. , Mr. Madan Gopal J.L.A.

| S. No. | Location | All values are in $\mu\text{g}/\text{m}^3$ | | | |
|--------|---|---|--|--|----------------------|
| | | PM ₁₀ (Standard Value- 100 $\mu\text{g}/\text{m}^3$) | So ₂ (Standard Value- 80 $\mu\text{g}/\text{m}^3$) | So ₂ (Standard Value- 80 $\mu\text{g}/\text{m}^3$) | Weather Condition |
| 01 | Premises of Himanshu Marble House, Plot No - 611 & 612 Sector - 14 Vasundhara Ghaziabad (Near Office) | 106.0 | 9.0 | 37.0 | Clear |

Lab Assistant

Assistant Scientific Officer

Regional Officer



Ambient Noise Monitoring Report

Name of Monitoring Site : M/s Himanshu Marble House

Plot No. 611 & 612, Sector 14, Vasundhara Ghaziabad

Date of Monitoring : 30.01.2025

Monitoring By : Shri D.D Verma, L.A. , Mr. Madan Gopal J.L.A.

| S. No. | Location | Observed Value (Day) | | |
|--------|---|----------------------|------|-------------|
| | | Min | Max | Avg. (Leq.) |
| 01 | Premises of Himanshu Marble House, Plot No - 611 & 612 Sector - 14 Vasundhara Ghaziabad (Near Office) | 54.6 | 74.0 | 62.2 |

| Standard for Noise level in db(A) Leq | | Day | Night |
|---------------------------------------|------------------|-----|-------|
| 01 | Residential Zone | 55 | 45 |
| 02 | Commercial Zone | 65 | 55 |
| 03 | Silent Zone | 50 | 40 |
| 04 | Industrial Zone | 75 | 70 |


Lab Assistant


Assistant Scientific Officer


Regional Officer



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क्षेत्रीय कार्यालय – उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, गाज़ियाबाद।

Regional Office, U.P. Pollution Control Board, Ghaziabad.

Ambient Noise Monitoring Report

Name of Monitoring Site : M/s Himanshu Marble House

Plot No. 611& 612, Sector 14, Vasundhara Ghaziabad

Date of Monitoring : 30.01.2025

Monitoring By : Shri D.D Verma, L.A. , Mr. Madan Gopal J.L.A.

| S. No. | Location | Observed Value (Day) | | |
|--------|---|----------------------|------|-------------|
| | | Min | Max | Avg. (Leq.) |
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