

7107378 / 11-1 / NGT-230 / 2024

21-2-24

To,

The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.

Sub: Action Taken Report with respect to Hon'ble NGT order dated 30.10.2023 passed in O.A. No. 659/2023 Ashish Rawal Vs State of U.P. & Ors.

Respected Sir,

In the above noted case, Hon'ble NGT has given direction as below:

"-----4. Submission of Counsel for the Applicant is that now the alleged activity causing harm to the environment by Respondent No.7 is over but park is now required to be restored to its original position and necessary action for past violation and causing damaged to the park is required to be taken.

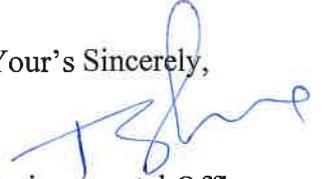
5. Considering the surviving grievance, we are of the opinion that the necessary action be taken by Respondent No.3-Member Secretary, UPPCB. Hence, we direct Respondent No.-3, Member Secretary, UPPCB to duly consider the above grievance, carry out the spot inspection, ascertain the truthfulness of the allegations, take necessary action for restoration of the park and against the person responsible for causing damaged, if any, to the said park.

6. Let the above exercise be completed within a period of two months from the date of receipts of copy of this order, thereafter action taken report be submitted before the Registrar General of the Tribunal within three months, if found necessary, the matter may be placed before the Court for consideration.."

In compliance of above direction action taken report on behalf of U.P. Pollution Control Board is submitted for kind perusal and further action in this regard.

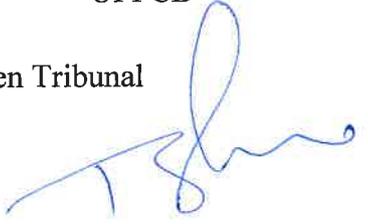
Encl: As above

Your's Sincerely,


Chief Environmental Officer,
UPPCB

Copy to: Following for information and necessary action:

- 1- Shri Pradeep Misra, Advocate, Hon'ble National Green Tribunal
- 2- Law Officer-I, UPPCB, Lucknow


Chief Environmental Officer

**Action Taken Report with respect to Hon'ble NGT order dated
30.10.2023 passed in O.A. No. 659/2023 Ashish Rawal Vs State of
U.P. & Ors**

In the matter of O.A. No. 659/2023 Ashish Rawal Vs State of U.P. & Ors. Hon'ble NGT passed order on 30.10.2023. The operative part of the order is as under:-

“.....4. Submission of Counsel for the Applicant is that now the alleged activity causing harm to the environment by Respondent No.7 is over but park is now required to be restored to its original position and necessary action for past violation and causing damaged to the park is required to be taken.

5. Considering the surviving grievance, we are of the opinion that the necessary action be taken by Respondent No.3-Member Secretary, UPPCB. Hence, we direct Respondent No.-3, Member Secretary, UPPCB to duly consider the above grievance, carry out the spot inspection, ascertain the truthfulness of the allegations, take necessary action for restoration of the park and against the person responsible for causing damaged, if any, to the said park.

6. Let the above exercise be completed within a period of two months from the date of receipts of copy of this order, thereafter action taken report be submitted before the Registrar General of the Tribunal within three months, if found necessary, the matter may be placed before the Court for consideration.”

In compliance of the above directions the action taken report on behalf of U.P. Pollution Control Board is as follows;

1. That, in compliance of Hon'ble NGT order dated 30.10.2023, inspection of the site was carried out by official from Regional Office, Uttar Pradesh Pollution Control Board, Ghaziabad on 27.12.2023 to ascertain the factual



position on the spot. The copy of inspection report is enclosed as **Annexure-I**.

2. That, the park is situated at plot no. A-46, Kadkad Model, Site-4, Industrial area, Sahibabad, Ghaziabad and being maintained by Nagar Nigam, Ghaziabad.
3. That, according to inspection report, no tents, bunkers, machine jhoolas and D.G. set was found installed in the said park. Further, it was also observed during inspection there was no use of the park for commercial purpose i.e. circus and fair.
4. That the order of the Hon'ble NGT was communicated to the Municipal Commissioner, Nagar Nigam, Ghaziabad vide Regional Office, UPPCB letter dated 08.01.2024 and 16.02.2024 for seeking comments on the allegations raised by the applicant. The copies of the said letters are enclosed as **Annexure-II & III**.

The above action taken report is being submitted for perusal and consideration.


(Sanjeev Kumar Singh)
Member Secretary





क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppcb.com, e-mail: roghaziabad@uppcb.in

संख्या-1

संदर्भ संख्या : 2302/एन०जी०टी०-194/ओ०ए०-659/2023/2023

दिनांक 20/10/2024

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-1),
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या 659/2023 आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक 30.10.2023 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या 659/2023 आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक 30.10.2023 के अनुपालन में इस कार्यालय के प्राधिकृत अधिकारी द्वारा दिनांक 27.12.2023 को स्थलीय निरीक्षण निरीक्षण किया गया। तत्कम में निरीक्षण आख्या/कार्यवाही पत्र साथ संलग्न कर इस अनुरोध के साथ प्रेषित कि मा० एन०जी०टी० में अनुपालन आख्या दाखिल कराने का कष्ट करें।

संलग्नक: उपरोक्तानुसार।

भवदीय

(विकास मिश्र)
क्षेत्रीय अधिकारी

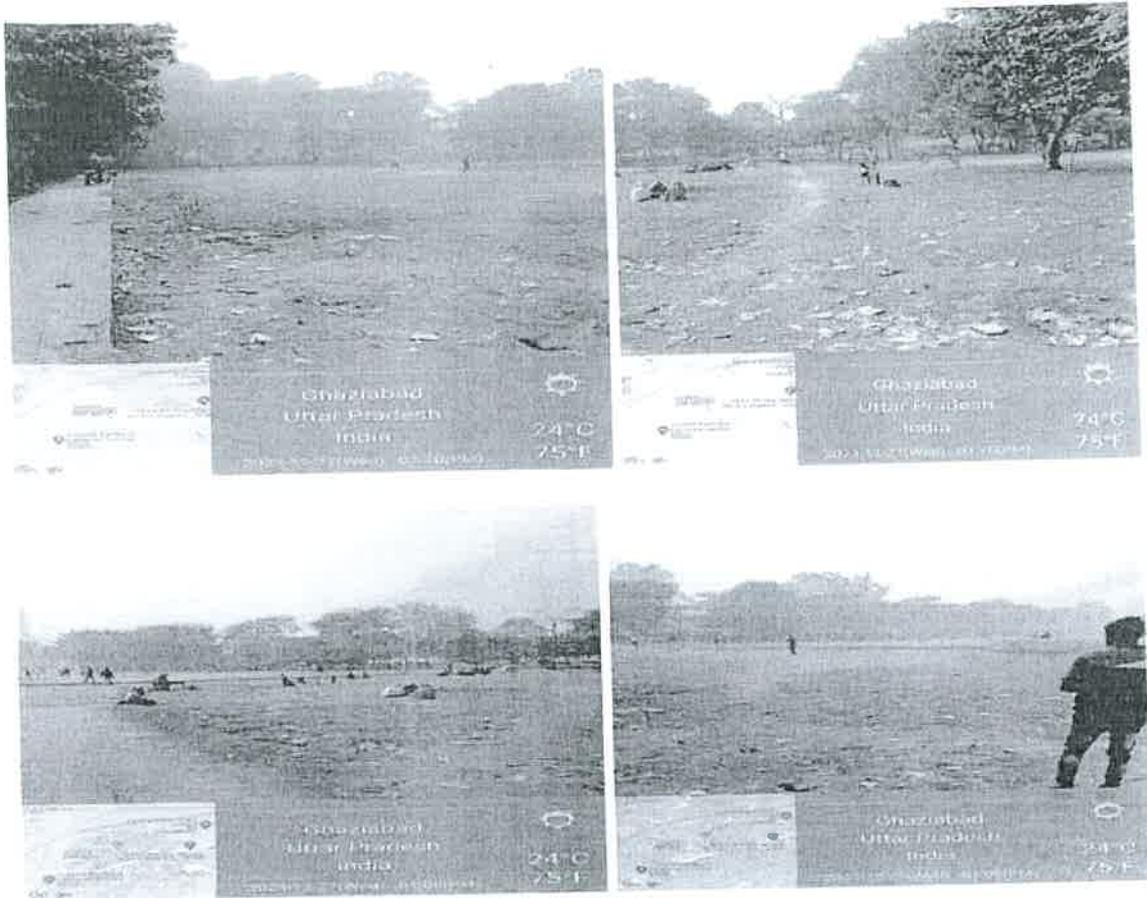
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क्षेत्रीय कार्यालय : आई०एन०एस०-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

Inspection report in compliance of Hon'ble NGT order dated 30.10.2023 passed in the matter of Ashish Rawal Vs State of U.P. & Ors in OA No-659/2023.

In compliance to Hon'ble NGT order, officials of Regional Office, Uttar Pradesh control Board conducted inspection of the site on 27-12-2023 to ascertain the factual position on the spot and based on observation the following points were identified: -

1. The earmarked park is situated at plot no. A-46, Kadkad Model, Site-4 Industrial area, Sahibabad, Ghaziabad and being maintained by Nagar Nigam, Ghaziabad.
2. During visit no tents, bunkers, machine jhoolas and DG set were found installed in the said park located at plot no. A-46, Kadkad Model, Site-4 industrial area, Sahibabad, Ghaziabad and found vacant. Further it was also observed that there no use of the park for commercial purpose i.e. circus and fair was being carried out.
3. During visit no public toilet was found in the said park whose outlet drain is going into storm water drain and meeting the Sahibabad, Ghaziabad drain.
4. In compliance of Hon'ble NGT order dated 30.10.2023, Municipal Commissioner, Nagar Nigam, Ghaziabad was requested by UPPCB vide letter dated 25.01.2024 and 16.02.2024 to ascertain the truthfulness of allegations and to take necessary action but reply is awaited.
5. Photographs taken during visit are following:-



The inspection report is submitted for kind perusal and necessary action.

Ku. Santosh Kumar
(Ku. Santosh Kumar)
A.E.E.

Regional officer

A handwritten signature in blue ink, appearing to be 'Santosh', written over the 'Regional officer' text.



संदर्भ संख्या : 2286 / एन0जी0टी0-194 / ओ0ए0-659 / 2023 / 2023

दिनांक 16/02/2024

मा0 एन0जी0टी0 / महत्वपूर्ण
अनुस्मारक-1

सेवा में,

नगर आयुक्त
नगर निगम,
गाजियाबाद।

विषय: मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 659/2023 आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक 30.10.2023 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 659/2023 आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक 30.10.2023 के अंश निम्नवत् है:-

".....4. Submission of Counsel for the Applicant is that now the alleged activity causing harm to the environment by Respondent No.7 is over but park is now required to be restored to its original position and necessary action for past violation and causing damaged to the park is required to be taken.

5. Considering the surviving grievance, we are of the opinion that the necessary action be taken by Respondent No.3-Member Secretary, UPPCB. Hence, we direct Respondent No.-3, Member Secretary, UPPCB to duly consider the above grievance, carry out the spot inspection, ascertain the truthfulness of the allegations, take necessary action for restoration of the park and against the person responsible for causing damaged, if any, to the said park.

6. Let the above exercise be completed within a period of two months from the date of receipts of copy of this order, thereafter action taken report be submitted before the Registrar General of the Tribunal within three months, if found necessary, the matter may be placed before the Court for consideration....."

उपरोक्त के अनुपालन में इस कार्यालय के पत्र संख्या 1930 / एन0जी0टी0-194 / ओ0ए0-659 / 2023 / 2023 दिनांक 08.01.2024 (छायाप्रति संलग्न) के माध्यम से कृत कार्यवाही की आख्या उपलब्ध कराये जाने के सम्बन्ध में अनुरोध किया गया था, जो कि अभी तक प्राप्त नहीं हुयी है। अतः प्रकरण की महत्ता के दृष्टिगत आपसे पुनः अनुरोध है कि कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें, जिससे कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली पारित आदेश का अनुपालन सुनिश्चित हो सकें।

भवदीय

(विकास मिश्र)
क्षेत्रीय अधिकारी

प्रतिलिपि:-

जिलाधिकारी महोदय, गाजियाबाद को सूचनार्थ प्रेषित।

(विकास मिश्र)
क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई0एन0एस0-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010



संदर्भ संख्या : १९३०/एन०जी०टी०-१९४/ओ०ए०-६५९/२०२३/२०२३

दिनांक ०९/०७/२०२४

सेवा में,

नगर आयुक्त
नगर निगम,
गाजियाबाद।

मा० न०३५०१

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या ६५९/२०२३ आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक ३०.०६.२०२३ के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या ६५९/२०२३ आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक ३०.०६.२०२३ के अंश निम्नवत् है:-

".....4. Submission of Counsel for the Applicant is that now the alleged activity causing harm to the environment by Respondent No.7 is over but park is now required to be restored to its original position and necessary action for past violation and causing damaged to the park is required to be taken.

5. Considering the surviving grievance, we are of the opinion that the necessary action be taken by Respondent No.3-Member Secretary, UPPCB. Hence, we direct Respondent No.-3, Member Secretary, UPPCB to duly consider the above grievance, carry out the spot inspection, ascertain the truthfulness of the allegations, take necessary action for restoration of the park and against the person responsible for causing damaged, if any, to the said park.

6. Let the above exercise be completed within a period of two months from the date of receipts of copy of this order, thereafter action taken report be submitted before the Registrar General of the Tribunal within three months, if found necessary, the matter may be placed before the Court for consideration....."

उपरोक्त के सम्बन्ध में आपसे अनुरोध है कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या ६५९/२०२३ आशीष रावल बनाम स्टेट ऑफ उत्तर प्रदेश में पारित आदेश दिनांक ३०.०६.२०२३ का अनुपालन कराया जाना सुनिश्चित करें एवं कृत कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें, जिससे ससमय मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली अनुपालन आख्या दाखिल की जा सकें।

भवदीय

(विकास मिश्र)
क्षेत्रीय अधिकारी

प्रतिलिपि:-

जिलाधिकारी महोदय, गाजियाबाद को सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८
मुख्यालय : TC-१२V, विभूति खण्ड, गोमती नगर, लखनऊ २२६०१०