

BEFORE THE NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi

Original Application No. 1155 OF 2024

IN THE MATTER OF:

KAUSHALENDRA KUMAR

...Applicant

VERSUS

UNION OF INDIA & ORS.

...Respondent(s)

Index

Sr. No.	Particulars	Page No.
1.	Response/Affidavit on behalf of Respondent No. 14 i.e. CPCB	
2.	ANNEXURE-I A copy of the Order dated 19.09.2024 passed by this Hon'ble Tribunal	



Filed by Adv. Rajkumar
(On behalf on Central Pollution Control Board)

Place: Delhi

Dated: 09.01.2025

BEFORE THE NATIONAL GREEN TRIBUNAL

Principal Bench, New Delhi

Original Application No. 1155 OF 2024

IN THE MATTER OF:

KAUSHALENDRA KUMAR

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**REPLY BY WAY OF AFFIDAVIT FOR AND ON BEHALF OF THE
RESPONDENT No. 14: CENTRAL POLLUTION CONTROL BOARD
(CPCB)**

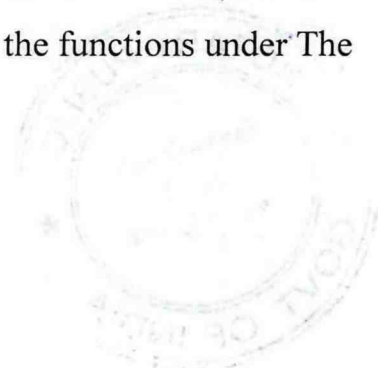
AFFIDAVIT

I, Vishal Gandhi, working as Scientist 'E' in Central Pollution Control Board, office at Parivesh Bhawan, East Arjun Nagar, Vishwas Nagar, Near Karkardooma, Delhi-110032, do hereby solemnly affirm and declare as under:

That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit in my official capacity.

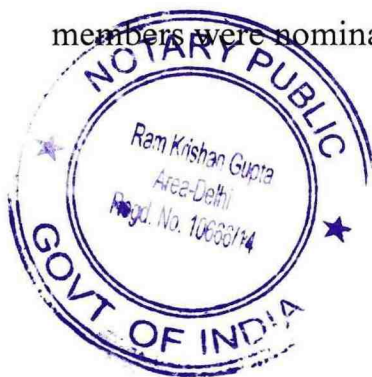
1. That, Hon'ble NGT vide order dated 19.09.2024 has sought the reply of CPCB in the instant matter. Thereby, the reply is made in succeeding paragraphs.

That, CPCB is a statutory Board constituted under The Water (Prevention and control of pollution) Act, 1974. It performs the functions under The

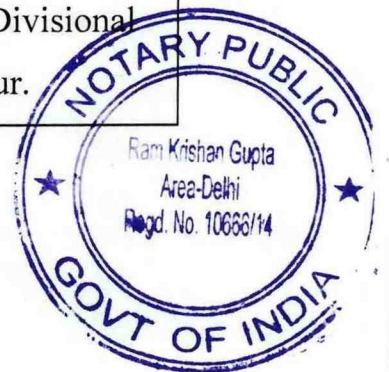


Water (Prevention and control of pollution) Act, 1974, The Air (Prevention and control of pollution) Act, 1981 and The Environment (Protection) Act, 1986.

3. That, in this original application, applicant has raised the grievance in respect of pollution and encroachment on the Hasanpur-Lodha wetland which according to the applicant is inventorized in the National Wetland Inventory and Assessment project (NWIA), NWIA was carried out by Space Applications Centre (SAC), Ahmedabad. The applicant has raised a further grievance that the prohibited activities under Rule 4 (1) of the Wetlands Rules, 2017 are rampant and the authorities have not taken action to preserve the wetland and to prevent the encroachment and pollution thereof. It was also submitted that the industrial effluents from Mussoorie-Gulawathi Industrial Area through an overflow drain is being discharged in the wetland in question.
4. That Hon'ble NGT vide order dated 19.09.2024 constituted Joint Committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad will act as a nodal agency in the joint committee. Further, Joint Committee was directed to visit the site, and ascertain the truthfulness of the allegations, the sources of pollution in the wetland in question and the extent of industrial effluent flowing/discharged in the wetland.
5. That, in response to the order of the Hon'ble NGT dated 19.09.2024, following members were nominated in the Joint Committee:



Sl no	Name of Department	Name of Committee Member
1.	One representative of member secretary, Central Pollution Control Board (CPCB).	Shri Ankur Tiwary, Scientist-E, Project office, CPCB, Agra.
2.	One representative of member secretary Uttar Pradesh Pollution Control Board.	Shri Vikash Mishra, Regional Officer, U.P. Pollution Control Ghaziabad.
3.	One representative of regional Office MOEF & CC Lucknow.	Dr. A.K Gupta, Additional Director/ Scientist-E, MOEF & CC Lucknow.
4.	One representative of member secretary Uttar Pradesh State wetland Authority.	Divisional Forest Officer, Hapur.
5.	One representative of member secretary National wetland Authority.	Shri Pankaj Verma, Scientist-E (wetland Division), MOEF & CC, New Delhi.
6.	One representative of District Magistrate Ghaziabad.	Shri Chandresh Kumar, Deputy Collector Ghaziabad. Smt. Lavi Tripathi, Sub Divisional Magistrate, Dhaulana, Hapur.



6. That the CPCB as a member of the Joint Committee visited the site on 19.12.2024. The Joint Committee collected the water samples and deposited to the Regional Laboratory of UPPCB, Ghaziabad for analysis. Further, report of the the Joint Committee is under submission by the nodal agency, DM-Ghaziabad.
7. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.


DEPONENT



विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at NEW DELHI on this 9 JAN 2025 day of 9 JAN 2025, 2025 that the contents of the above reply affidavit are correct and true on the basis of the record of the case as maintained in the day-to-day affairs of the CPCB.
Nothing has been concealed therefrom or mis-stated.

ATTESTED


NOTARY
DELHI (INDIA)

9 JAN 2025


DEPONENT

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1155/2024
(I.A. No. 443/2024)

Kaushalendra Kumar

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 19.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. R. Jawahar Lal, Ms. Meghna Kumar & Mr. Cecil C. George, Advs.

ORDER

1. In this original application, applicant has raised the grievance in respect of pollution and encroachment on the Hasanpur-Lodha wetland which according to the applicant is inventorized in the National Wetland Inventory and Assessment project (NWIA), NWIA was carried out by Space Applications Centre (SAC), Ahmedabad. The applicant has raised a further grievance that the prohibited activities under Rule 4 (1) of the Wetlands Rules, 2017 are rampant and the authorities have not taken action to preserve the wetland and to prevent the encroachment and pollution thereof.

2. Learned counsel for the applicant has submitted that the industrial effluents from Mussoorie-Gulawathi Industrial Area through an overflow drain is being discharged in the wetland in question and support thereof he has placed reliance upon the map on Pages no. 72 and 73. He has further submitted that the industrial effluent flowing in that overflow drain is also entering the agricultural field as it is broken at some places and in support of this allegation he has placed reliance upon the photographs on Page No. 65 onwards. He has also submitted that such

industrial effluent is even entering the park and has referred to the photographs from Page No. 81 onwards. Referring to the photograph on Page No. 126 he has submitted that a road is being constructed on the wetland and referring to the photographs from Page No. 127 onwards he has submitted that the illegal dumping on the wetland is in progress. To ensure that the area of the wetland reduces and the encroachment thereon becomes easy in the original application, the applicant has given the specific suggestions:-

(a) necessary action may kindly be taken against the Respondent Nos. 17 to 49 for violation of provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Wetlands (Conservation and Management) Rules, 2017 and Rules framed under the said enactments;

(b) necessary action may kindly be taken against the Respondent Nos. 1 to 16 and their concerned officials for failing to implement effective measures to correct, control and prevent the aforesaid violations/ damage and hold the perpetrators, including the Respondent Nos. 17 to 49, liable and accountable for the violation of the various environmental laws;

(c) necessary action be taken against Respondent Nos. 17 to 49 who for their personal benefits illegally converting land in and around Hasanpur-Lodha wetland by converting it in residential/industrial units causing severe threat to the wetland. It is prayed that immediate closure of such conversion of land; any dumping of waste and construction of any nature be stopped till the parties file their proper replies;

(d) heavy penalties, in the form of compensation and exemplary costs be imposed on the Respondent Nos. 17 to 49 for violation of provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Wetlands (Conservation and Management) Rules, 2017 and Rules framed under the said enactments and on the Respondent Nos. 1 to 16 for aiding and abetting the said wrong by not taking any action;

(e) the applicant and the villagers whose agricultural land have been impacted by the aforesaid illegal activities may be awarded appropriate compensation;

3. Counsel for the applicant has also submitted that though the complaints were made to the different authorities no action has been taken.

4. The OA raises substantial issue relating to compliance of environmental norms.

5. Issue notice to the respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal. Applicant is directed to serve the other respondents and file the affidavit of service at least one week before the next hearing date.

6. Having regard to the seriousness of the allegation, we also constitute a Joint Committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad will act as a nodal agency in the joint committee.

7. Joint Committee will visit the site, and ascertain the truthfulness of the allegations, the sources of pollution in the wetland in question and the extent of industrial effluent flowing/discharged in the wetland. Joint Committee will get the water sample analysis of the wetland in question done, will obtain the original record indicating the area of the wetland reflected in the record and will also ascertain the existing area of the wetland to find out the extent of encroachment which has been done thereupon. The Joint Committee will complete this exercise within a period of two months and will submit the report immediately thereafter.

8. List on 10.01.2025.

9. Let a copy of this order along with a copy of the OA be forwarded to the Member Secretary, CPCB, Member Secretary, UPPCB, Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 19, 2024
Original Application No. 1155/2024
(I.A. No. 443/2024)
AS..