

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

I.A. NO 678 OF 2024

IN

ORIGINAL APPLICATION NO. 971 OF 2024

IN THE MATTER OF:

PRAJAWAL CHAND

... APPLICANT

VERSUS

STATE OF UP & ORS.

.....RESPONDENT

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1.	Response on behalf of Uttar Pradesh Pollution Control Board.	

NEW DELHI

DATED: 06.05.2025



(PRADEEP MISRA & DALEEP DHYANI)

Counsel for U.P. Pollution Control Board

138, New Lawyers Chamber,

Supreme Court of India,

New Delhi-110001

(M.) 9810252518

Email: pradeepmisra@yahoo.com



e-Stamp

A.C. Name-MOHIT JAISWAL
Acc Code-UP14842604
Arc Address-Civil Court, Gorakhpur
Licence No -198, Mob -8115824558
Tel: 0514-261-3000, Gorakhpur
Signature..... Mohit

Certificate No.	:	IN-UP24676820894676X
Certificate Issued Date	:	05-May-2025 03:17 PM
Account Reference	:	NEWIMPACC (SV)/ up14842604/ GORAKHPUR SADAR/ UP-GRK
Unique Doc. Reference	:	SUBIN-UPUP1484260446775545184486X
Purchased by	:	D K GUPTA S O VIBHUTI PRASAD GUPTA
Description of Document	:	Article 4 Affidavit
Property Description	:	Not Applicable
Consideration Price (Rs.)	:	
First Party	:	D K GUPTA S O VIBHUTI PRASAD GUPTA
Second Party	:	Not Applicable
Stamp Duty Paid By	:	D K GUPTA S O VIBHUTI PRASAD GUPTA
Stamp Duty Amount(Rs.)	:	10 (Ten only)



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Girish Kumar Gupta
NOTARY
GORAKHPUR

Sum

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REPLY ON BEHALF OF RESPONDENT, U.P. POLLUTION
CONTROL BOARD.

I, D.K. Gupta, S/o. Shri Vibhuti Prasad Gupta, aged about 57 years, Regional Officer, U.P. Pollution Control Board, Gorakhpur, U.P. at present at New Delhi, do hereby solemnly affirm and declare as under:

1. That I in the capacity abovenoted am conversant with the facts and record of the present case, hence competent to swear this affidavit.
2. That the C.B.W.T.F. owned by M/s Integrated Pollution Control Committee (hereinafter referred as "The Facility"), Vill- Baghagada, Tola- Talnavar, Tappa-Haveli, Pargana- Bhauwapar, Tehsil- Sadar, Distt- Gorakhpur, U.P. does not have valid CCA. Board has not granted CCA to the facility due to the non-



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compliance of environmental norms, provisions of Bio-Medical Waste Management Rules, 2016 and violation of C.P.C.B. Guidelines for C.B.W.T.F. The ownership of C.B.W.T.F. is also disputed.

3. That the said facility owned by a partnership of which Anoop Pandey, Arun Mishra and Vivek Singh were partners. There is nothing on record to show that the said partnership has been dissolved and it became a proprietorship of Mr. Pranjal Patel who has sworn the affidavit in support of the application. Thus on this ground alone the present application is not maintainable.
4. That neither the partners of the facilities namely Anoop Pandey, Arun Mishra and Vivek Singh ever informed that the said partnership has been dissolved and converted into proprietorship of Mr. Pranjal Patel.

PARAWISE REPLY:

1-2. That the contents of Paras 1 and 2 need no reply.

3. That in reply to the contents of Para 3 it is submitted that CCA was granted to the facility on 26.07.2023 and not to Mr. Pranjal Patel who is the Applicant in this application.

4(i)&4(ii). That in reply to the contents of Paras 4(i) and 4(ii) it is submitted that the facility i.e. M/s. Integrated Pollution Control Committee is jointly owned by Anoop Pandey, Arun Mishra and Vivek Singh and there is no authentic document regarding sale of facility to Medical Control Committee or transfer/assignment of



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lease. Annexure-3 does not appear to be the registered document as stated and it does not show that the said facility was sold to Medical Pollution Control Committee. On the contrary it shows the facility was sold by Medical Pollution Control Committee to Integrated Pollution Committee through its Proprietor Pranjal Patel. However, no information about any transfer was given to the replying Respondent.

4(iii). That the contents of Para 4(iii) are wrong, hence denied. As per the record the facility has no valid CTO but it has valid authorization.

4(iv). That in reply to contents of Para 4(iv) it is submitted that as Mr. Arun Kumar Awasthi has applied for authorization on behalf of Integrated Pollution Committee, hence the authorization was granted to the facility through him. However, that will not change the ownership. Regarding Annexure-5 nothing shows that it is for the same facility. It is further submitted that unless and until the ownership is legally and validly transferred, GST registration will not confer any right.

4(v). That in reply to contents of Para 4(v) it is submitted that as per the record of replying Respondent, Anoop Pandey, Arun Mishra and Vivek Singh are the owners of the facility. Neither any record for change of ownership in favour of Medical Pollution Control Committee nor in favour of Pranjal Patel, has been submitted to the replying Respondent.

4(vi). That the contents of Para 4(vi) need no comments.



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4(vii)-4(xi). That the contents of Paras 4(vii) to 4(xi) are matter of record and nothing contrary to record is admitted. However, it is submitted that the inspection committee has found that plant was not in operation.

4(xii). That in reply to the contents of Para 4(xii) it is submitted that as on date the facility has no CCA as it was not complying with the provision of Bio Medical Waste Management Rules, 2016 and violating CPCB guidelines.

5. That in reply to contents of Para 5 it is submitted that as stated herein above the present application is not maintainable, hence the Application is liable to be dismissed.

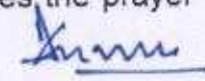
6. That the contents of Para 6 are matter of record and nothing contrary to record is admitted.

7. That the contents of Para 7 are wrong, hence denied. The facility is not working.

8. That in reply to the contents of Para 8 it is submitted the same is prayer to this Hon'ble Court, however, it is submitted that by impleadment of Applicant the issue will be more complicated, hence the application be dismissed.

9. That the contents of Para 9 are wrong hence denied. No loss will be caused to the Applicant if the application is not granted.

10. That in view of aforesaid facts and circumstances, the prayer clause is denied.


DEPONENT




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VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of above affidavit are true to my knowledge derived from official record. No part of the same is false and nothing has been concealed therefrom.

VERIFIED ON THIS THE 5th DAY OF MAY, 2025 AT GORAKHPUR.

[Signature]
DEPONENT

Deponent is the father of D.K. Gupta. He signed before me self At
[Signature]
05/05/25



1094/25
I presented the following documents for verification of
Affidavit D.K. Gupta
The signed copy of the said documents
at the time of 3.30
on 05-05-25
at the place of the Notary
at Gorakhpur

[Signature] 05/05/25
NOTARY
GORAKHPUR