

Dt - 12/04/24

-56/0-100/24

To,

The Registrar,
National Green Tribunal
Principal Bench, New Delhi.

Subject- Response on behalf of U.P. Pollution Control Board in the matter of O.A. No. 435/2023 "Jasbir Singh V/s State of U.P & Ors. dated-29.01.2024 passed by Hon'ble N.G.T.

Respected Sir,

Hon'ble NGT has passed on order dated-29.01.2024 in O.A. No.-435/2023 "Jasbir Singh V/s State of U.P. & Ors." under:-

" 5. Learned counsel for respondent no.7 submits that the response in this OA was filed in December 2023 but no such response of the respondent no. 7 is on record. Learned counsel for respondent prays for one week time to verify and file the response if not already filed. She has also submitted that now respondent no. 7 is not proceeding with the construction work.

6. Reply/response be filed by the learned counsel for respondent within three weeks 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.

7. List for further consideration on 16.04.2024."

In compliance of Hon'ble N.G.T. direction, response on behalf on U.P. Pollution Control Board is as follows:-

1. S.J.P. Global Limited, Mathura is replied by Letter Dated-04.11.2023 (copy is annexed as annexure no.-1).
2. Regional officer UPPCB sent a letter to Mathura Vrindavan Development Authority for asking regarding sewage treatment facility by S.J.P. Global Limited and also asked that connection of sewage pipe line to existing S.T.P. (copy is annexed as annexure no.-2).
3. Mathura Vrindavan Development Authority reply vide letter dated-29.01.2024 (copy is annexed as annexure no.-3) that the sewage generate from M/s S.J.P. Global Limited, Mathura goes through the pipe line and treated in STP which is situated at near Pagal Baba Mandir, Mant Road, Mathura.
4. Pollution control board issued NOC to M/s S.J.P. Global according imposing condition that project proponent will established S.T.P. for treatment of sewage and after treatment he would reuse in agriculture purpose.
5. At present time project proponent is not complied in condition of issued NOC.
6. In the above pollution control board imposed the Env. Compensation of Rs. 1,11,06,250/- on dated-24.01.2024.
7. The project has constructed five collection pits (size 4x3 feet) for rain water harvesting.
8. The municipal solid waste is collected by nagar nigam Mathura vrindavan on door to door basis.
9. The project has developed green belt on an area 14513.71 sq.mtr.

The above response is being submitted for perusal and consideration.

Your faithfully,



Regional Officer

C.C:-

1. District Magistrate, Mathura.
2. Chief Environment Officer (CEO-4), U.P. Pollution Control Board, Lucknow.
3. Chief Law Officer, U.P. Pollution Control Board, Lucknow.



Regional Officer



Annexure No-1

SHRI

PROSPERITY FOR ALL

LSI
07/10/2023
14/11/23

Email/Speed Post

Date: 04.11.2023

To,

Chief Environmental Officer Circle-4,
U.P. Pollution Control Board,
T.C. 12 V, Vibhuti Khand, Gomti Nagar
Lucknow-226010.

Sub.: Reply to the show cause notice bearing letter ref. no H00654/C-4/NGT-175/dk-c-uks-/2023 date 13.09.2023.

Sir,

With reference to the subject mentioned above please refer our request letters dated 07.10.2023 and 27.10.2023 and in furtherance thereto I have the honor to submit that since 2010-2011 applicant SJP Global Limited is company registered under the Companies Act-1956 vide its corporate I.D. No.- U70102UP2010PLC040335 2010-20211 Office of the Company Registrar, Kanpur having its Head Office at 111, Shri Jamuna Dham, Goverdhan Road, Mathura-281004 (Annexure-1) and engaged in business of housing construction by complying all the laws and rules concerning with the agencies or regulatory authorities, within its best of knowledge.

2. that the applicant M/s SJP Global Ltd. (Previous Name SJP Real Estate Ltd.) its (Shri Radha Florence) at Khasara No.

SA/MA
For A.G.P.
14/11/23
AS

S.J.P. Global Ltd

HO. : 111, SHRI Jamuna Dham, Goverdhan Road, Mathura
www.shrigroup.co Info@shrigroup.net

844 to 848, 850, 851, 867 to 871 Mauja-Sunrakh Bangar, Tehsil and District-Mathura which after obtaining the NOC vide letter dated 15.02.2012 from UP Pollution Control Board has started the construction work by complying the terms and conditions of NOC granted by UP Pollution Control Board as well as approved drawing map by the Mathura-Vrindavan Development Authority, Mathura.

3. That regarding the compliance of NOC condition no. 3 in concerned with Sewage Treatment Plant (STP) it is to reply that in applicant's approved site drawing map vide its letter file no. 104/V-10-11 including issued amendment (Annexure-2 & 3) the space for Sewerage Treatment Plant has not been proposed nor about its Compulsion Mathura-Vrindavan Development Authority ever instructed to the applicant pursuant to the prevalent bye laws etc., if any, nor in its permission letter dated 10.05.2011 any condition regarding Sewage Treatment Plant installation imposed under the Water (prevention and Control of Pollution) Act 1974. The copy of the approved amended site drawing no. 104/V/10-11 is being enclosed herewith (Annexure-4).
4. That further it is necessary to point out that in Shri Radha Florence Housing Project pursuant to the letter no. 104/V-10-11 dated 22.09.2011 issued by Vice-chairman, Mathura-Vrindavan Development Authority, Mathura the sewage disposal system was proposed through SPS construction Rukmani Vihar Yojna by the applicant company/project

proponent through its request letter dated 04.02.2012 to Vice-Chairman, Mathura-Vrindavan Development Authority (Annexure-5) and for this purpose again letter dated 09.03.2012 was submitted to Mathura-Vrindavan Development Authority (Annexure-6) on which Vice-Chairman directed to CE/EE to provide the requested connection. The details of demand prior to first instalment including receipt book no. 2188 Sl. no. 218763 Prapatra Sankhya 2 are being enclosed herewith (Annexure-7 & 8) respectively.

5. That the applicant project proponent has adopted the Rain Water Harvesting and land escaping system subject to the satisfaction of the authorities concerned. Similarly solid waste disposal system is in existence in accordance with the norms of Municipal Corporation as well as green belt also established as per guidelines within the area of Shri Radha Florence Project.
6. That the applicant is a law abiding company and committed to comply all the laws, rules and enactments regarding building construction and therefore, any default of the applicant company/project proponent should not be amounted under the wilful disobedience or violation of the mandatory provisions of any prevalent Act as well as rules framed thereunder and/or applicable to the project proponent.

7. That prior to this show cause notice dated 13.09.2023 the applicant has never received any notice for non-compliance of the provisions of either enactments or rules framed thereunder by Regional Officer U.P. Pollution Control Board, Mathura or any other authority concerned.
8. That pursuant to the directions dated 01.08.2023 in O.A. no. 435/2023 Jasbir Singh v/s State of UP by Hon'ble National Green Tribunal your goodself vide letter dated 13.09.2023 issued show cause notice to the applicant project proponent for imposition of Environmental compensation for the environmental degradation by its defaults.
9. That in compliance of the order dated 01.08.2023 in O.A. No. 435/2023 the constituted Joint Committee comprising of CPCB, State PCB and district Magistrate, Mathura have been directed to look into the grievances of the applicant (Jasbir) and by verifying the factual position to take appropriate remedial action including imposition of environmental compensation and utilization thereof for remediation of environmental damage by following due course of law while show cause notice dated 13.09.2023 has not been issued in true sprit of Hon'ble NGT order dated 01.08.2023.
10. That further it is pertinent to mention here that imposition of environmental composition is based on the 'Polluter Pays' principle which imposes liability on a person who pollutes the environment to compensate for the damage caused and

return the environment to its original state regardless of the intent. Further, the Indian Judiciary has incorporated the 'Polluter pays' Principle as being a part the Environmental Law regime is evident from the judgements passed. For example, in Indian Council for Enviro-Legal Action v/s Union of India 1996 (3) SCC 212 Hon'ble Supreme Court held that once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity. The rule is premised upon the very nature of the activity carried on. In this respect, it is to be stated that the applicant project proponent with due care regarding environment protection constructed its project. U.P. Pollution Control Board has never made available the soil testing report caused damaged due to unauthorised way sewage discharge including collected discharged-sewage sampling analysis report to assess the environmentally soil properties loss or degradation of underground water quality if any found due to the ignorance as well as negligence of the applicant unit for the purpose of environmental compensation assessment calculation under scientific formula based manner.

11. That it is noteworthy to mention that the imposition of environmental compensation by the State Board has not been provided under the environmental enactments as well

as rules framed thereunder and in absence of any statutory provisions in any environmental laws, and therefore the show cause notice for imposition of environmental compensation in absence of due course regarding 'polluter pays' principle application is wholly unwarranted; rather it is in violation of environmental enactments and as such the show cause notice dated 13.09.2023 can be said against the principle of natural justice in view of the fact that the documents/ inspection reports collected sewage sample analysis reports, environmentally damaged soil testing report and underground water sampling analysis report being the foundation of the show cause notice have not been supplied to the applicant and as such it transpires that the applicant project proponent cannot effectively defend or demonstrate before your goodself and therefore the applicant project proponent will be able to put up his case effectively after receipt of the copies of the documents inspection reports, collected sewage sample analysis reports, environmentally damaged soil testing report and underground water sampling analysis reports.

12. That apart from the aforesaid contentions in respect of the inspections report, collected sewage sample analysis report and environmentally damaged soil testing report and underground water sampling analysis report including and remaining relevant documents in connection with the applicant default. Further, it is necessary and desirable to

demonstrate that any documents being the foundation of imposition of environmental compensation should have been prepared by resorting to the regulatory procedure as provided under the Environmental Enactments as well as under the Rules framed thereunder.

13. That it is not out of place to mention here that State Board is an autonomous body created under the environmental enactments and the State Board should have to function only in conformity with the provisions of the enactments for which the State Board envisaged under the aforesaid enactments can only and independently be exercised by the State Board itself and thus the proposed imposition of environmental compensation is fully erroneous and unsustainable in law.

In view of the facts, circumstances and legal position enumerated above, it is most respectfully prayed that your goodself, in compliance of Hon'ble NGT order dated 01.08.2023, may kindly be pleased to proceed further to show cause notice dated 13.09.2023 in accordance with law in the interest of Justice.

Yours' faithfully,

For SJP Global Limited
(Previous Name SJP Real Estate
Limited) (Shri Radha Florence)


Authorised Signatory

CC:

-District Magistrate, Mathura

-Regional Officer, Uttar Pradesh, Pollution Control Board, Mathura



क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board
भवन सं०-65 ए, बल्देव पुरी, महोली रोड, मथुरा

पत्रांक: 1311 / 10-100/2023

दिनांक 28/11/2023

सेवा में,

सचिव,
मथुरा-वृन्दावन विकास प्राधिकरण,
मथुरा।

विषय:- मा० राष्ट्रीय हरित अधिकरण में योजित ओ०ए० सं०-435/2023 "जसवीर सिंह बनाम स्टेट ऑफ उत्तर प्रदेश" में पारित आदेश दिनांक 01.08.2023 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-435/2023 "जसवीर सिंह बनाम स्टेट ऑफ उत्तर प्रदेश" में पारित आदेश दिनांक 01.08.2023 का संदर्भ ग्रहण करने का कष्ट करें, जिसके मुख्य अंश निम्नवत् हैं-

"....Further, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of CPCB, State PCB and District Magistrate, Mathura and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action including imposition of environmental compensation and utilization thereof for remediation of environmental damage by following due course of law and giving opportunity of being heard to the project proponent. The Committee may further verify compliance with EC and CTE/CTO conditions by the PP. The State PCB will be the nodal agency for coordination and compliance."

उक्त पारित आदेशों के अनुपालन में आपसे अनुरोध है कि मै० एस०जे०पी० रीयल स्टेट लि० (प्रोजेक्ट श्री राधा फ्लोरेन्स), खसरा सं०-844 से 848, 850, 851, 867 से 871, मौजा-सुनरख बांगर, तहसील व जनपद-मथुरा द्वारा जनित घरेलू उत्प्रवाह (सीवर) निस्तारण की क्या व्यवस्था की गयी है एवं कॉलोनी की सीवर लाइन का संयोजन किया गया है अथवा नहीं। यदि किया गया है तो कब से किया गया है, के सम्बन्ध में विस्तृत सूचना प्राथमिकता के आधार पर इस कार्यालय को प्रेषित करने का कष्ट करें, जिससे कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेशों का अनुपालन सुनिश्चित किया जा सके।

भवदीय

(आर०वी० सिंह)
क्षेत्रीय अधिकारी (प्र०)

28/11/2023

क्षेत्रीय अधिकारी (प्र०)

28/11/2023
J-E

प्रतिलिपि-निम्नलिखित को सूचनार्थ सादर प्रेषित।

1. जिलाधिकारी महोदय, मथुरा।
2. नगर आयुक्त, नगर निगम मथुरा वृन्दावन, मथुरा।
3. मुख्य पर्यावरण अधिकारी (वृत्त-4), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।

कार्यालय : मथुरा-वृन्दावन विकास प्राधिकरण
यजकीय संग्रहालय, प्रथम तल डैम्पियर नगर, मथुरा।

पत्रांक: 2092/म0वृ0वि0प्रा0/2023-24

दिनांक: 29 जनवरी, 2024

प्रेषक,

सचिव
मथुरा-वृन्दावन विकास प्राधिकरण,
मथुरा।

सेवा में,

क्षेत्रीय अधिकारी (प्र0)
उ0प्र0 प्रदूषण नियन्त्रण बोर्ड
भवन सं: 65 ए. बल्देव पुरी महोली रोड
मथुरा।

विषय:- मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 सं: 435/2023 "जसवीर सिंह बनाम् स्टेट ऑफ उत्तर प्रदेश" में पारित आदेश दिनांक 01.08.2023 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक आपके पत्र सं: 1311/0-100/2023 दिनांक 28.11.2023 के क्रम में अवगत कराना है कि मै0 एस0जे0पी0 रीयल स्टेट लि0 (प्रोजेक्ट श्री राधा फ्लोरेन्स), खसरा सं: 844 से 848, 850, 851, 867 से 871 मौजा-सुनरख बांगर, तहसील व जनपद-मथुरा द्वारा जनित घरेलू उत्प्रवाह (सीवर) के निस्तारण की व्यवस्था मथुरा-वृन्दावन विकास प्राधिकरण द्वारा उ0प्र0 जल निगम सीवेज एण्ड ड्रेनेज ईकाई मथुरा के माध्यम से वर्ष 2015-16 में रूकमणी विहार राधा/फ्लोरेन्स के चौराहे से गोलोक धाम/गोपाल गढ़ होते हुए छटीकरा मार्ग को मिलाने वाले मार्ग पर डाली गयी सीवर लाइन में तत्समय विकासकर्ता द्वारा संयोजन करते हुए की गयी है। उक्त सीवर लाइन रूकमणी विहार की मुख्य सीवर लाइन से होते हुए रूकमणी विहार में जल निगम द्वारा संचालित सीवेज पम्पिंग स्टेशन में मिलती है। रूकमणी विहार स्थित सीवेज पम्पिंग स्टेशन से वृन्दावन का सीवेज पम्पिंग होकर शोधन हेतु पागल बाबा मन्दिर के समीप माँट रोड स्थित सीवर ट्रीटमेंट प्लान्ट में भेजा जाता है।

JE/SA
02
29/01/24

भवदीय,

(राजेश कुमार)
सचिव

क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड
Regional Office, U.P. Pollution Control Board
भवन सं०-65 ए, बल्देव पुरी, महोली रोड, मथुरा

पत्रांक: 1311 / 0-100/2023

दिनांक 28/11/2023

सेवा में,

सचिव,

मथुरा-वृन्दावन विकास प्राधिकरण,

मथुरा।

विषय:- मा० राष्ट्रीय हरित अधिकरण में योजित ओ०ए० सं०-435/2023 "जसवीर सिंह बनाम स्टेट ऑफ उत्तर प्रदेश" में पारित आदेश दिनांक 01.08.2023 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-435/2023 "जसवीर सिंह बनाम स्टेट ऑफ उत्तर प्रदेश" में पारित आदेश दिनांक 01.08.2023 का संदर्भ ग्रहण करने का कष्ट करें जिसके मुख्य अंश निम्नवत् हैं-

"...Further, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of CPCB, State PCB and District Magistrate, Mathura and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action including imposition of environmental compensation and utilization thereof for remediation of environmental damage by following due course of law and giving opportunity of being heard to the project proponent. The Committee may further verify compliance with EC and CTE/CTO conditions by the PP. The State PCB will be the nodal agency for coordination and compliance."

उक्त पारित आदेशों के अनुपालन में आपसे अनुरोध है कि मै० एस०जे०पी० रीयल स्टेट लि० (प्रोजेक्ट श्री राधा पलोरैन्स), खसरा सं०-844 से 848, 850, 851, 867 से 871, मौजा-सुनरख बांगर, तहसील व जनपद-मथुरा द्वारा जनित घरेलू उत्प्रवाह (सीवर) निस्तारण की क्या व्यवस्था की गयी है एवं कॉलोनी की सीवर लाइन का संयोजन किया गया है अथवा नहीं। यदि किया गया है तो कब से किया गया है, के सम्बन्ध में विस्तृत सूचना प्राथमिकता के आधार पर इस कार्यालय को प्रेषित करने का कष्ट करें, जिससे कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेशों का अनुपालन सुनिश्चित किया जा सके।

प्रतिलिपि-निम्नलिखित को सूचनार्थ सादर प्रेषित।

1. जिलाधिकारी महोदय, मथुरा।
2. नगर आयुक्त, नगर निगम मथुरा वृन्दावन, मथुरा।
3. मुख्य पर्यावरण अधिकारी (वृत्त-4), उ०प्र० प्रदूषण नियन्त्रण बोर्ड, लखनऊ।

भवदीय

(आर०वी० सिंह)

क्षेत्रीय अधिकारी (प्र०)

क्षेत्रीय अधिकारी (प्र०)