

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 248 OF 2023

IN THE MATTER OF:

Varun Gulati

Applicant

Vs.

State of U.P & Ors.

Respondent(s)

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S. No.	Particulars	Page No.
1.	Reply Affidavit on behalf of Respondent No. 2, i.e., Central Pollution Control Board, (CPCB) in compliance of Hon'ble NGT Order dated 16.10.2023 in OA No. 248/2023, Varun Gulati Vs. State of Uttar Pradesh & Ors.	
2.	Annexure-I: A copy of the Hon'ble NGT order dated 16.10.2023.	


(Kamlesh Singh)

Scientist E

Central Pollution Control Board

Delhi-110032

Dated: 04.01.2023

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 248 OF 2023****IN THE MATTER OF:**

Varun Gulati

Applicant

Vs.

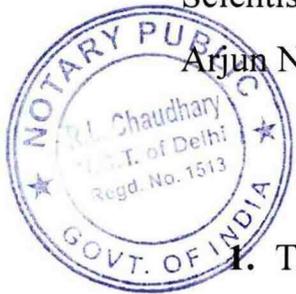
State of U.P & Ors.

Respondent(s)

REPLY ON BEHALF OF RESPONDENT NO. 02, i.e. CENTRAL POLLUTION CONTROL BOARD.**MOST RESPECTFULLY SHOWETH:**

I, Kamlesh Singh, S/o Ramesh Chandra Singh, aged 41 years, working as Scientist 'E' in the Central Pollution Control Board; Parivesh Bhawan, East Arjun Nagar, Delhi-110032, do hereby solemnly affirm and declare as under:

1. That I, in the capacity of Scientist 'E' of the Central Pollution Control Board (hereinafter referred to as CPCB) am fully conversant with the facts of the case and hence, competent to swear this reply affidavit on behalf of the Respondent No. 2, CPCB.
2. That the averments contained in Para Nos. 1 - 2 of the Application under reply are related to the address of the Applicant & Respondents, hence need no comment from this answering Respondent.

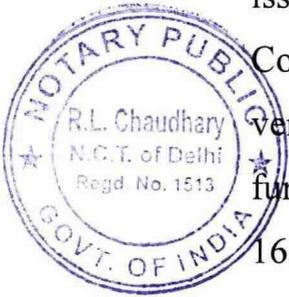


3. That the averments contained in Para Nos. 3 - 4 of the Application under reply are introductory in nature and enlightens about the applicant's engagement in activities of environment protection & restoration, hence need no comment from this answering Respondent.

4. That the averments contained in Para Nos. 5.1 - 5.5 of the Application under reply are related to unauthorised, illegal & polluting dying factories in Roop Nagar, Arya Nagar & Tronica city of Loni area, Ghaziabad UP. In this regard, it is humbly submitted that Uttar Pradesh Pollution Control Board (hereinafter referred to as UPPCB) is the statutory authority for issuing Consent to Establishment (hereinafter referred to as CTE) and Consent to Operate (hereinafter referred to as CTO) to industries and verification of the conditions imposed vide CTO from time to time. It is further humbly submitted that Hon'ble NGT vide its order dated 16.10.2023 (as **Annexure-I**) directed the UPPCB to file a detailed Action Taken Report. The UPPCB vide its letter dated 02.01.2024 has submitted the detailed action taken report before the Hon'ble NGT.

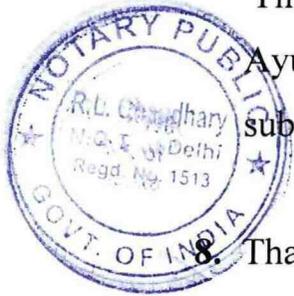
5. That the averments contained in Para No. 5.6 of the Application under reply informs about the unavailability of Common Effluent Treatment Plant (hereinafter referred to as CETP) in Roop Nagar & Arya Nagar Area and the same is a matter of record and does not require response from this answering Respondent.

6. That the averments contained in Para Nos. 5.7 - 5.14 of the Application under reply are related to improper maintenance of CETP, discharge of



untreated toxic effluent by illegal dyeing factories and subsequent water pollution, air pollution carried out by these factories. It is humbly submitted that this answering respondent reiterates the same as stated in Para no. 4 of this reply Affidavit.

7. That the averments contained in Para No. 5.15 of the Application under reply, whereby applicant cite Hon'ble Supreme Court order date 6th October 2009 regarding the Principles of "Polluter Pays" and "Precautionary Principle" in Civil Appeal no 6776 of 2009 titled as 'Tirupur Dyeing Factory Owner's Association Vs Noyyal River Ayucudars Protection Association and Ors'. In this regard, it is humbly submitted that the same is matter of record and need no comment.



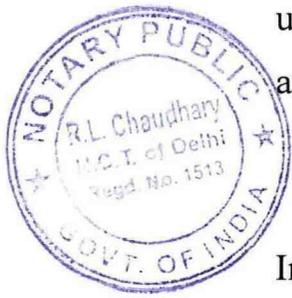
8. That the averments contained in Para No. 5.16 - 5.18 of the Application under reply are related to communication & complaint filed by applicant to different State Authorities. It is humbly submitted that the communication and complaints made by the applicant pertains to State Authorities, therefore, need no comment from this Answering Respondent.

9. That the averments contained in Para Nos. 6.1 - 6.8 of the Application related to the types of various dyes and ill effects/ hazards related to toxic dye effluent and the same is matter of record and no comment is offered from this Answering Respondent.

10. That the averments contained in Para Nos. 7.1 - 7.5 of the Application are repetitive and this answering respondent reiterates the same as stated in above Para nos. 4, 5 & 6 of this reply Affidavit.

11. That the averments contained in Para Nos. 8 - 9 of the Original Application under reply are related to limitation and Prayer before the Hon'ble NGT for action by the State Authorities against the illegal & unauthorized dying factories, hence need no comment from this answering Respondent.

In light of the above, it is humbly submitted that this answering Respondent shall always abide by the Orders and directions passed by the Hon'ble Tribunal in the present case.



DEPONENT
 कमलेश सिंह / Kamlesh Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
 M/o Env. Forest & Climate Change, Govt. of India
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110 032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

04 JAN 2024

Verified at Delhi on this day of January, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

ATTESTED

 NOTARY PUBLIC
 GOVT. OF INDIA
 04 JAN 2024

DEPONENT

कमलेश सिंह / Kamlesh Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
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 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 09

Court No. 1

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

Original Application No.248/2023

Varun Gulati

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 16.10.2023

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

Applicant: Mr. Kapil Sagar, Adv.

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

1. The Original Application concerns the issue of discharge of untreated toxic effluents by the respondent industries in Roop Nagar, Arya Nagar and Tronica City of Loni area, Ghaziabad, UP in violation of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

2. Learned Counsel for the State PCB submits that though in terms of the direction of the Tribunal dated 17.07.2023, a report has been filed late in the evening on 13.10.2023 but the said report is not satisfactory. Therefore, a detailed action taken report will be filed within a period of two weeks.

3. At this stage, considering the seriousness of the matter, we deem it proper to issue a formal notice to all the respondents. Applicant is directed to serve the respondents and file affidavit of service on the next date of hearing.

4. List this matter on 05.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 16, 2023
Original Application No.248/2023
SN