

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
Principal Bench, New Delhi

O.A. NO. 294 OF 2023

Prasoon Pant & Anr.

Petitioners

Versus

Uttar Pradesh Pollution  
Control Board & Ors.

Respondants

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1.	Reply Affidavit in compliance to Hon'ble NGT Order dated 01.05.2023 in OA No 294 of 2023, Prasoon Pant & Anr. Vs Uttar Pradesh Pollution Control Board & Ors on behalf of the respondant no. 2, Central Pollution Control Board,(CPCB)	
2.	<b>Annexure-I</b> : A copy of Hon'ble NGT order dated 01.05.2023 in O.A. No. 294 of 2023, , Prasoon Pant & Anr. Vs Uttar Pradesh Pollution Control Board & Ors	

  
(Sharandeep Singh)

Scientist-'E'  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi- 110032.

Date: 04.09.2023

Place: Delhi

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**PRINCIPAL BENCH, NEW DELHI**

**O.A No. 294 of 2023**

**PRASOON PANT & ANR.**

**PETITIONERS**

**VERSUS**

**UTTAR PRADESH POLLUTION**

**CONTROL BOARD & ORS.**

**RESPONDENTS**

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2,**

**CENTRAL POLLUTION CONTROL BOARD (CPCB)**

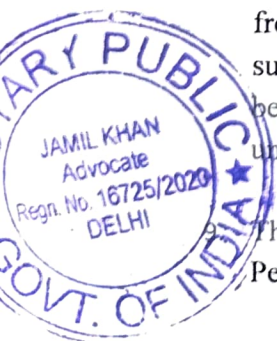
I, Sharandeep Singh, S/o Charajeet Singh aged about 43 years, working as Scientist 'E' and presently posted in the Central Pollution Control Board, Delhi i.e., Answering Respondent No.2. I have been apprised about the facts/issue in the present application on the basis of the record available and provided to me in my official capacity and thus, am competent to depose the present reply/affidavit. I do hereby solemnly affirm and state on oath as hereunder:

1. That the averments made in Para 1 are about the Applicants 1 and 2 in the matter, and hence need no comments from this Answering Respondent No. 2.
2. That under the averments made in the Para 2 are about the Respondents and same are matter of records, and hence need no comments from this Answering Respondent No. 2.
3. That the averments made in the Paras 3 to 6 are about the information request under the Right to Information Act, 2005 (RTI Act) submitted by the applicants before UPPCB and information received accordingly and about submission of representations by the applicants after receiving information under the said RTI Act to the Statutory Authorities regarding running of entities like malls, hotels, banquet halls without having NOC and no action taken by the Authorities. It is submitted that, violations by the Respondent Nos. 7 to 27, if any; under various Acts/Rules are to be dealt by the respective State/Government Agencies as per the provisions stipulated under such Acts/Rules.



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4. That the averments made in the Paras 7 and 8 are about the footfalls from various areas in the said entities which are running without primary consent or CTE from UPPCB which are matter of records and hence need no comments from this Answering Respondent No. 2.
  5. The averments in para 9 are matters of record and need no specific reply from the Answering Respondent 2. However it is submitted that, violations by the Respondent Nos. 7-27, if any; under various Acts/Rules are to be dealt by the respective State Government Agencies as per the provisions stipulated under such Acts/Rules. It is humbly submitted that CPCB has issued guidelines titled 'Mechanism/Guidelines for Control of Pollution and Enforcement of Environmental Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets, etc.' in compliance of order dated 19.09.2019 in OA No. 400/2017 i.e, *Westend Green Farms Society v. Union of India* . These guidelines were circulated to all SPCB/PCC for implementation of the guidelines. These guidelines are to be followed by concerned stakeholders and State level agencies. The grant of NOC/CTE lies with the Respondent No.1.
  6. That the averments made in Paras 10 to 14 are about violation of the Water Act, 1974, the Air Act, 1981 and the UPPCB circular by the said entities. It is submitted that, violations by the Respondent Nos. 7-27, if any; under various Acts/Rules are to be dealt by the respective State Government Agencies as per the provisions stipulated under such Acts/Rules.
  7. That the averments made in Paras 15 to 19 are about UPPCB circular and, directions issued by CPCB. In this, context, it is hereby clarified that CPCB has issued guidelines titled 'Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc. in compliance with the Hon'ble NGT Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India &Ors. These guidelines are to be followed by concerned stakeholders and state level agencies.
  8. That the averments made in Para 20 alleges about operation of many other entities apart from above without environmental permissions (CTE / CTO) in Ghaziabad. It is submitted that violations by the other entities, if any; under various Acts/Rules are to be dealt by the respective State Government Agencies as per the provisions stipulated under such Acts/Rules.
- That the averments made in the rest are Grounds, Limitation and Prayer of the Petitioners, and hence need no comments from this Answering Respondent No. 2.



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That in light of the above submissions, it is respectfully submitted that no specific prayer has been sought against the Answering Respondent. It is respectfully submitted that State level agencies and Local Bodies have been entrusted by the applicable Rules & Regulations to resolve such matters and, in compliance to order dated 19.09.2019 in OA No. 400/2017 i.e *Westend Green Farms Society v. Union of India*, CPCB had prepared 'Mechanism/Guidelines for Control of Pollution and Enforcement of Environmental Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets, etc.' These guidelines are to be followed by concerned stakeholders and State level agencies.

Hence it is respectfully prayed that the Answering Respondent No. 2 i.e. CPCB may kindly be deleted from the list of Respondents. However, the Answering Respondent is willing to abide by any order (s) passed by this Hon'ble Tribunal.

*Sharandeep*

DEPONENT  
 शरणदीप सिंह / Sharandeep Singh  
 वैज्ञानिक 'ई' / Scientist 'E'  
 केंद्रीय प्रदूषण नियंत्रण बोर्ड  
 Central Pollution Control Board  
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
 (Mo Environment, Forest & Climate Change, Govt. of India)  
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032  
 Parvesh Bhawan, East Arjun Nagar, Delhi-110032

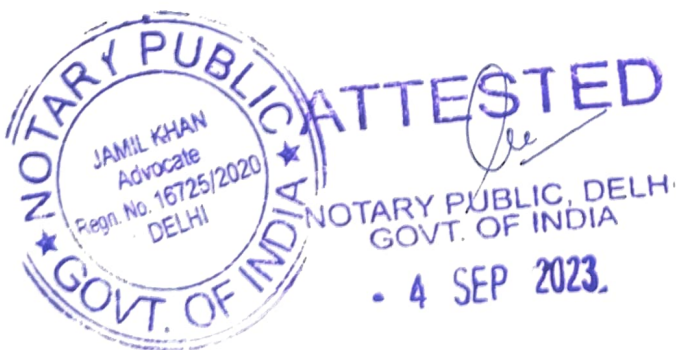
VERIFICATION

Verified at Delhi on this '4 SEP 2023' day of September, 2023 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.

*Sharandeep*

DEPONENT

शरणदीप सिंह / Sharandeep Singh  
 वैज्ञानिक 'ई' / Scientist 'E'  
 केंद्रीय प्रदूषण नियंत्रण बोर्ड  
 Central Pollution Control Board  
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)  
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 Parvesh Bhawan, East Arjun Nagar, Delhi-110032



Item No.1

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 294/2023

Prasoon Pant &amp; Anr

...Applicants

Versus

Uttar Pradesh Control Board &amp;Ors

....Respondents

Date of hearing: 01.05.2023.

**CORAM:HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Ruchin Mehra, Advocate for applicant.

**Application under Sections 14 and 15 of the National Green Tribunal Act, 2010.**

**ORDER**

1. The present application has been filed by the applicants under Sections 14 and 15 of the National Green Tribunal Act, 2010.
2. The applicants have averred that Ghaziabad is classified by Central Pollution Control Board (CPCB) as a "Critically Polluted Area" as rated by its Comprehensive Environment Pollution Index score and is also one of the "Non-Attainment Cities" wherein levels of PM10 from industrial and vehicular sources are amongst the highest in the country. Respondents no. 7 to 27 being hospitality entities are running full-fledged eateries and restaurants and come under the purview of directions of this Tribunal given vide order dated 04.02.2021 passed in OA No. 400/2017 (Westend Green Farms Society vs. Union of India & others.), wherein Central Pollution Control Board (CPCB) was asked to come up with a set of directions for complying with environmental norms by such eateries, hotels, banquets

and restaurants. Finally, under the directions of the CPCB, individual eateries & restaurants on roadsides—with a minimum seating capacity of 36 people—that could also be running in hospitality destinations such as hotels, banquets and malls etc or otherwise, are required to mandatorily seek and obtain an NOC/Consent to Establish of the UPPCB, in addition to a host of other environmental authorizations. As most of these establishments have food courts and restaurants—being in their nature of business—these dining-out outlets are required to have these environmental clearances, as directed by the Hon'ble Tribunal in aforementioned OA. The 21 hospitality establishments listed in the application are therefore in violation of the CPCB and UPPCB directions framed in the wake of Hon'ble NGT order in the aforementioned OA, as these do not have an NOC of the State Pollution Control Board. Being in the vicinity of national capital, hospitality industry of Ghaziabad sees a high footfall of around 40-50 lakhs people a month that could be generating lots of air and water pollution and misuse of already stressed resources, such as groundwater. Hence, it becomes all-the-more important that business establishments strictly follow the environmental norms.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. Let notices alongwith copies of the application and documents attached therewith be issued to the respondents no 1 and 2 requiring them to file their response/reply to the averments made in the application within one month by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. List for further consideration on 06.07.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 01 2023  
AG