

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO 392 OF 2022**

IN THE MATTER OF

Prasoon Pant & Anr.

Applicants

Vs.

Union of India & Ors.

Respondents

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| 1. | Reply Affidavit on behalf of Central Pollution Control Board, (CPCB) in compliance of Hon'ble NGT order dated 08.12.2023 in OA No. 392/2022, Prasoon Pant & Anr. Vs. Union of India & Ors. | |
| 2. | Annexure-I: A copy of CPCB's letter dated 12.08.2022 to Uttar Pradesh Pollution Control Board (UPPCB) regarding nomination. | |
| 3. | Annexure-II: A copy of CPCB's letter dated 13.01.2023 to Regional Office, NOIDA, UPPCB. | |
| 4. | Annexure-III: A copy of the Hon'ble NGT order dated 08.12.2023. | |



(P.K. Mishra)

Scientist F

Central Pollution Control Board

Delhi-110032

Dated: 17.01.2024

Place: Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO 392 OF 2022****IN THE MATTER OF**

Prasoon Pant & Anr.

Applicants

Vs.

Union of India & Ors.

Respondents

Status report in the form of Response on behalf of Respondent No.2 ,i.e., Central Pollution Control Board.

I, Pradeep Kumar Mishra, S/o Late Shri B. D. Mishra age 59 years working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi- 110032, do hereby solemnly affirm and declare as under:

1. That, I am fully conversant with the facts and circumstances of the present case and am duly authorized to affirm and swear this Status Report on behalf of the Central Pollution Control Board (hereinafter referred to as CPCB).

2. That the Hon'ble National Green Tribunal vide order dated 05/07/2022 in OA No. 392/2022 had given following direction at Para 3:

"A Joint Committee comprising CPCB, State PCB and District Magistrate, NOIDA was constituted and directed to verify facts and furnish an action taken report in the matter. If any adverse



material is found by the Committee, the affected parties may be put to notice of these proceedings and a copy of report be furnished to the said parties for their response”.

3. That in compliance of the above said directions of Hon'ble NGT, nomination of CPCB representative was communicated to Uttar Pradesh Pollution Control Board (hereinafter referred to as UPPCB) vide letter dated 12/08/2022. Copy of CPCB's letter dated 12/08/2022 is annexed as **Annexure-I**.

4. That the Joint Committee inspected 33 group housing projects on random basis for verification of compliance w.r.t ground water abstraction by the said housing projects and filed a status report before the Hon'ble NGT on 7/10/2022.

5. That the Hon'ble NGT (PB) vide order dated 15/11/2022 gave directions which are enumerated in para 11 & para 16 of the said order and are reproduced below:

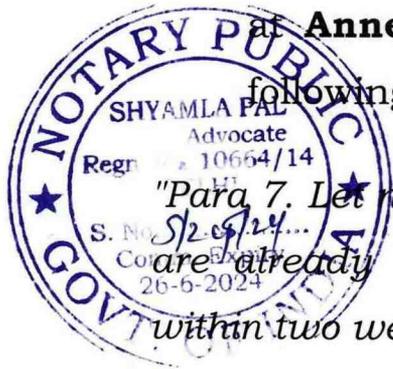
"Para 11: Final compensation may be assessed by the joint Committee comprising of Regional Director, CGWB, Northern Region/or his Representative, representative of Uttar Pradesh Pollution Control Board and the District Magistrate.

Para 16: Other directions in the order dated 17.10.2022 in O.A. No.438/2018 to the extent applicable to present context may also be filed. The joint Committee may continue the work of inspection of the remaining projects and adopt the same course of action as in the present matter and cover the action taken in the next report."



6. That, it is humbly submitted that there were no directions for CPCB in the order dated 15/11/2022. However, directions pertaining to UPPCB were duly communicated to Regional Office, NOIDA, UPPCB vide letter dated 13/01/2023. In the said communication it was duly requested to UPPCB to ensure timely compliance in the matter. Copy of CPCB's letter dated 13/01/2023 is annexed as **Annexure-II**.

7. That Hon'ble NGT vide order dated 08/12/2023 (is annexed at **Annexure III**) in O.A No. 392/2022 has further given following directions:



"Para 7. Let notices be issued to all respondents, except those who are already represented, to enable them to file their response within two weeks from the date of receipt of notice."

Para 11. We also make it clear that it is also open to concerned respondents to take all possible issues before Tribunal after filing their response."

8. That it is humbly submitted that at the central level, Central Ground Water Authority (CGWA) has been constituted under Section 3 (3) of the Environment (Protection) Act, 1986 for the specific purpose of regulating, controlling, developing and managing the ground water resources in the country. In Uttar Pradesh, State Ground Water Authority is constituted under U.P. Act No. 13 of 2019.

9. That in view of the above submissions, it is humbly prayed that the Hon'ble NGT may kindly pass such order as may

be deemed fit and proper in the facts and circumstances of this case.

Identify the Deponent who has signed/put thumb impression in my presence

DEPONENT
पी.के. मिश्रा / P.K. Mishra
वैज्ञानिक 'एफ' / Scientist 'F'
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-110 032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this **17 JAN 2024** of January, 2024 that the contents of the above affidavit are correct to the best of knowledge and belief and nothing has been concealed therein.



DEPONENT

पी.के. मिश्रा / P.K. Mishra
वैज्ञानिक 'एफ' / Scientist 'F'
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-110 032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED

NOTARY PUBLIC DELHI
GOVT. INDIA

17 JAN 2024



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)
(MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

Speed Post/E-mail

F. No. A-14011 (OA No.392/2022)/2022-WQM-I 3/80

Date: 12/08/2022

To

**The Member Secretary,
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226010
ms@uppcb.com**

Sub: Hon'ble NGT (PB) order dated 05/07/2022 in OA No. 392/2022 titled Praseon Pant Vs Union of India & Ors.

Sir,

Enclosed please find a copy of Hon'ble NGT order dated 05/07/2022 in OA No. 392/2022 in the matter of Praseon Pant Vs Union of India & Ors. The Hon'ble NGT has directed following :

" 3. in view of above, we consider it appropriate to require a joint committee of CPCB, State PCB and District Magistrate, NOIDA to verify facts and furnish an action taken report in the matter. If any adverse material is found by the Committee, the affected parties may be put to notice of these proceedings and a copy of report be furnished to the said parties for their response".

In this regard, Mrs Suniti Parashar Scientist 'C' , WQM-I, Division shall represent CPCB in the joint committee towards compliance of Hon'ble NGT order dated 05/07/2022.

This is for information & to ensure coordinate and compliance of said Hon'ble NGT order

Yours faithfully,

(P. K. Mishra)

Divisional Head, WQM-I, Div.

Encl: As above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110 032

'Parivesh Bhawan', East Arjun Nagar, Delhi - 110032

दूरभाष/Tel. : 43102030, फैक्स/Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल/e-mail : cpcb@nic.in वेबसाइट/Website : www.cpcb.nic.in

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 392/2022

Prasoon Pant & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 05.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ruchin Mehra, Advocate

ORDER

1. Grievance in this application is against illegal extraction of ground water by the builders operating in Noida, impleaded as respondent Nos. 09 to 48 - Gaursons Or Gaur Builder, ACE GROUP, Trident Embassy, Eros Sampooranam, Coco County, ATS Rhapsody, Aastha Greens, Mahagun Builders, ATS Infrastructure Ltd., Nirala Estate, Gulshan Bellina, Paramount Emotions, Capital Athena, Apex Golf Avenue, La Residentia, Arihant Arden, Stellar Jeevan, Divyansh Flora, Galaxy Group, Lucky Palm Valley, Sikka Kaamya Greens, Bulland Elevates, Supertech, Ajnara Group, Cherry County, Mangalya Ophira, Aims Green Avenue, VVIP Meridian, Vihaan Villas, Sindhuja Greens, Patel Neotown, Novel Valley, JNC The Park, Emenox La Solara, JM Florence, Amaatra Homes, Panchsheel Hynish, Samridhi Grand Avenue, Ratan Pearls and Rajhans Residency at NOIDA.

2. According to the applicants, the statutory authorities have failed to prevent illegal extraction of ground water for commercial purposes resulting in depletion of ground water level in the area identified as 'over-exploited' as per assessment of the CGWA.

3. In view of above, we consider it appropriate to require a joint Committee of CPCB, State PCB and District Magistrate, NOIDA to verify facts and furnish an action taken report in the matter within two months 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. If any adverse material is found by the Committee, the affected parties may be put to notice of these proceedings and a copy of report be furnished to the said parties for their response, if any, before the next date

List for further consideration on 11.10.2022

A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, NOIDA by email for compliance.

The Applicant may serve a set of papers on the CPCB, State PCB and District Magistrate, NOIDA and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 05, 2022
Original Application No. 392/2022
AB



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post/E-mail

F. No. A-14011 (OA No.392/2022)/2023-WQM-I 469

13/1/2023

सेवा में

श्री राधेश्याम
क्षेत्रीय अधिकारी
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, ग्रेटर नोएडा
ए-1 प्रथम तल- कमर्शियल कॉम्प्लेक्स,
बीटा -2, ग्रेटर नोएडा, गौतम बुद्ध नगर
ई-मेल ; rogreaternoida@uppcb.in

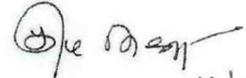
विषय: माननीय एनजीटी (पीबी) के आदेश दिनांक 15/11/2022 में ओए संख्या 392/2022 में प्रसून पंत बनाम भारत संघ और अन्य के संबंध में

महोदय,

उपरोक्त विषय के संदर्भ में आपको सुचित किया जाता है कि माननीय एनजीटी के ओए नंबर 392/2022 में दिनांक 15/11/2022 द्वारा परित आदेश में सीपीसीबी को माननीय एनजीटी द्वारा बनाई गई समिति में नहीं रखा गया है।

अतः आपसे आग्रह है कि उपरोक्त के आलोक में संबंधित सदस्यों के द्वारा ही माननीय एनजीटी के आदेश का अनुपालन अपने रतर पर सुनिश्चित कराए, साथ ही दिनांक 16/1/2023 को प्रस्तावित बैठक में सीपीसीबी का प्रतिभाग लेना उपयुक्त नहीं होगा।

भवदीय,


(पी.के. मिश्रा) 13/01/23

प्रभाग प्रमुख, डब्ल्यूक्यूएम।।

Item No. 03

Court No. 2

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

Original Application No. 392/2022
(I.A. No. 625/2023, I.A. No. 626/2023,
I.A. No. 747/2023 & I.A. No. 748/2023)

Prasoon Pant & Anr.

Versus

Applicant(s)

Union of India & Ors.

Respondent(s)

Date of hearing: 08.12.2023

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

Applicant: Mr. Rahul Choudhary & Ms. Shreepurna Dasgupta, Advs.

Respondent(s): Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Zeeshan Hashmi, Mr. Ankit Parashar, Mr. Kashif Zafar, Advocates for
R - 10
Mr. A.K. Chaudhary, Ms. Meena Yadav, Ms Manisha Suri, Mr. Nishikant
Singh, Advs. in I.A No. 626/2022
Ms. S. Bhardwaj, Mr. A.K. Shukla, Mr. Rudrashish Bhardwaj, Advocates
for R - 36

ORDER

1. This original application has brought before us complaint that indiscriminate withdrawal of ground water has been carried out by various builders at their construction projects at Greater Noida Extension in District Gautam Buddha Nagar, Uttar Pradesh.

2. This Tribunal constituted a Committee to submit a factual report which has submitted its report in which it has made inspection at 63 group housing projects and found violations in 33 group housing projects.

3. State Pollution Control Board (hereinafter referred to as 'SPCB'), however, has given a list of 41 such projects where according to it ground

water has been extracted illegally without permission of competent authority.

4. Record also shows that Tribunal earlier allowed SPCB to proceed against the defaulters by imposing environmental compensation under the relevant Statutes and such further action as permissible in law.

5. Today, learned Counsel are appearing on behalf of Respondents No. 10, 13 and 36 and stated that notices were not issued to them and they are adversely affected by the order passed by Tribunal. We find from the record that by order dated 05.07.2022 joint Committee itself was directed to serve the affected parties, if any adverse material is found, with the notice of these proceeding so that they may file response. The Committee informed that it served notice on project proponents except M/s. Gaursons (through Gaursons Hi-Tech Infrastructure Private Limited) i.e. Respondent No. 9, but today learned Counsel appearing for some project proponents disputed it and said that they have not been served.

6. It appears that no formal notice has been issued by Tribunal to all the project proponents who may be affected by the ultimate order of Tribunal.

7. Let notices be issued to all respondents, except those who are already represented, to enable them to file their response within two weeks from the date of receipt of notice.

8. Learned Counsels appearing for Respondents No. 10, 13 and 36 stated that they have filed IAs and they claim that environmental compensation demanded from them by SPCB is illegal.

9. From the order passed by this Tribunal earlier, we find that this Tribunal has reminded SPCB to discharge its statutory obligations of taking appropriate action in accordance with law and no direction against any individual has been given.

10. Against orders passed by SPCB with regard to imposition demand of environmental compensation, it is not disputed that appeal lies under the provisions of relevant statutes and respondents-applicants may avail such remedy as available to them against such orders. We make it clear that none of our earlier order is final in respect of imposing any individual liability upon any individual respondent, since all the orders are interlocutory and require SPCB to discharge its statutory obligation in accordance with law.

11. We also make it clear that it is also open to concerned respondents to take all possible issues before Tribunal after filing their response.

12. List on 18.01.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 08, 2023
Original Application No. 392/2022
(I.A. No. 625/2023, I.A. No. 626/2023,
I.A. No. 747/2023 & I.A. No. 748/2023)
DV