

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 558/2023

IN THE MATTER OF:

Anuj Jain

Applicant

Vs.

Union of India & Ors.

Respondent(s)

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| 1. | Reply Affidavit on behalf of Respondent No. 2, i.e., Central Pollution Control Board, (CPCB) in compliance of Hon'ble NGT Order dated 08.12.2023 in OA No. 558/2023, Anuj Jain Vs. Union of India & Ors. | |
| 2. | Annexure-I: A copy of CPCB reply vide letter dated 09.06.2023 to Right To Information (RTI) application. | |
| 3. | Annexure-II: A copy of the Hon'ble NGT Order dated 08.12.2023. | |



(Sharandeep Singh)

Scientist E

Central Pollution Control Board

Delhi-110032

Dated: 09.01.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 558 OF 2023

IN THE MATTER OF:

Anuj Jain

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Vs

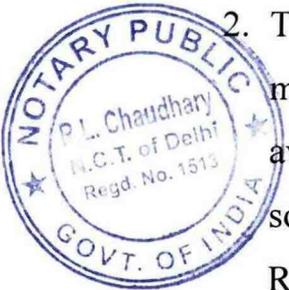
Union of India & Ors.

Respondent(s)

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

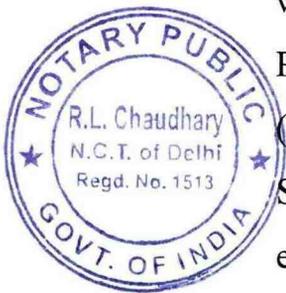
I, Sharandeep Singh, S/o Charanjeet Singh, aged 44 years, working as Scientist 'E' in the Central Pollution Control Board (hereafter referred as CPCB), Delhi, do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present Affidavit.
2. That the save for averments specifically admitted herein or that are a matter of record, the answering Respondent denies each and every averment, contention, allegation, and assertion made in the Application in so far as the same is inconsistent with the Affidavit/ Reply. Nothing in the Reply shall be treated as being admitted by the answering Respondent merely for want of a specific traversal of the contents of the plaint and the same may be considered as being denied in seriatim.



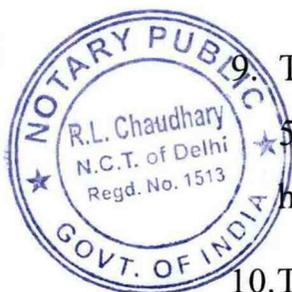
PARA WISE REPLY

3. That the averments made in Paras I-III are pertaining to the address of the Applicant and Respondents, Applicant's Counsel and brief prayer for filing the Original Application by Applicant. These are the matter of records and hence need no comments from the answering Respondent.
4. That the averments made in the Para IV (1- 2) under the heading 'FACTS IN BRIEF' are about the applicant and his concern regarding the pollution and climate change, pollution from construction activities specifically, and functioning of Government and various Authorities in those context. In this, regard it is humbly submitted that, Information on functions of CPCB and actions and initiatives taken by CPCB are available on the Website of CPCB (<https://cpcb.nic.in/>). CPCB do not issue any Clearance, Consent, Permission etc. to the construction projects. Further, it is humbly submitted that, "The Construction and Demolition Waste Management Rules, 2016" has been notified by Central Government vide G.S.R. 317(E) dated 29th March, 2016. As per Rule 10 of the said Rules, CPCB is to prepare operational guidelines related to environmental management of construction and demolition waste management; analyze and collate the data received from the State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) to review these rules from time to time; coordinate with all the SPCBs & PCCs for any matter related to the development of environmental standards; submit annual compliance report to Central Government based on reports given by SPCBs & PCCs. It is further humbly submitted that in pursuant to the Rule- 10 sub-rule 1(a) of the Construction and Demolition Waste Management Rules, 2016, CPCB has

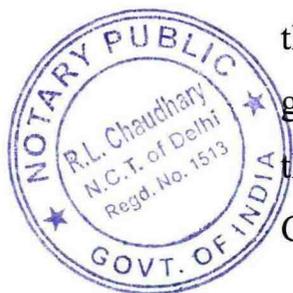


prepared and issued guidelines- “ENVIRONMENTAL MANAGEMENT OF C&D WASTES” in March, 2017. Copy of the same has been uploaded on the Website of CPCB and available at the following link: <https://cpcb.nic.in/openpdffile.php?id=UmVwb3J0RmlsZXMvNTUyXzE1MTEyNjQwMTVfbWVkaWFwaG90bzQ2OTAucGRm>.

5. That the averments made in the Para IV (3) are about the Respondent No. 1 i.e. Ministry of Environment, Forests and Climate Change (MoEF&CC) and responsibility of Respondent No. 1 in context of protection of environment, resources, climate etc. and hence need no comments from this answering Respondent.
6. That the averments made in the Para IV (4) are about the Respondent No. 2 i.e. CPCB and role of Respondent No. 2. In this, regard it is humbly submitted that the reply of this Answering Respondent given at Para 4 above may be referred.
7. That the averments made in the Para IV (5) are about the Respondent No. 3 i.e. the state of Uttar Pradesh and hence need no comments from this answering Respondent.
8. That the averments made in the Para IV (6) are about the Respondent No. 4 i.e. the Uttar Pradesh Pollution Control Board (UPPCB) and role of UPPCB and hence need no comments from this answering Respondent.
9. That the averments made in the Para IV (7) are about the Respondent No. 5 i.e. the Ghaziabad Development Authority (GDA) and role of GDA and hence need no comments from this answering Respondent.
10. That the averments made in the Para IV (8) are about the Respondent No. 6 i.e. the Nipun Builders & Developers Pvt. Ltd and its project under reference and hence need no comments from this answering Respondent.



11. That the averments made in the Para IV (9) are about the filing the referred Original Application under the provisions of NGT Act and hence need no comments from this answering Respondent.
12. That the averments made in the Paras IV (10 -12) are about the proposed plan of the referred project during its launching in 2005 by Respondent No. 6 and approval by Respondent No. 5 in 2007 and further in 2015 after receiving application for compounding the excess construction and which are matter of records hence need no comments from this answering Respondent.
13. That the averments made in the Para IV (13-14) is about work progress in the site by Respondent No. 6 and it is submitted by the applicant that, construction was carried out at the site without the approval of the competent authority, which is different from the revised sanctioned site plan. The same are matter of records hence need no comments from this answering Respondent.
14. That the averments made in the Para IV (15-26) is about issuing of Environmental Clearance (EC) by Respondent No. 1 i.e. MoEF&CC to Respondent No. 6, the provisions of EIA Notifications and significance of the EIA Notifications with procedure followed by MoEF&CC during granting EC to project site under the reference and other projects etc. In this regard, it is humbly submitted that, these averments do not pertain to CPCB, hence need no comments from this answering Respondent.
15. That the averments made in the Para IV (27-32), is about applicant's communications to Respondent No. 2, 4 and 5 informing about illegal and unauthorized construction of the project under reference and for taking action against the Respondent No. 6. In this regard, it is humbly submitted that, CPCB responded vide Letter dated 09.06.2023 (Copy of



the same is annexed as **Annexure I**) against the RTI request received vide Reg. No. CPCBD/R/E/23/00436 dated 19/05/2023.

16. That the averments made in Paras V, VI & VII are pertaining to Grounds, Limitation and Prayer of the applicant that have been made for taking action by Respondents no 1 to 6 with regard to issues raised in the matter. Under Grounds in Para A, C and G and under Prayer in Para I and V, averments have been made with regard to approach and action was to be taken/may be taken by CPCB with regard to issues raised in the matter. In this, regard it is humbly submitted that the reply given by this Answering Respondent at Para 4 above as may be referred.

17. That in view of above it is humbly submitted that this answering Respondent no. 2, undertakes to abide by any orders issued by this Hon'ble Tribunal in the present Original Application.



VERIFICATION

09 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
 09 JAN 2024



DEPONENT
 शरणदीप सिंह / Sharandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार)
 (Mo Environment, Forest & Climate Change, Government of India)
 परियोजना भवन, पूर्वी अर्धचंद्र
 Parivesh Bhawan, East Crescent


DEPONENT
 शरणदीप सिंह / Sharandeep Singh
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
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 Parivesh Bhawan, East Crescent

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

By Speed Post

F.No. PI-11/84/2023-AS-HO-CPCB-HO

dated 09.06.2023

प्रति

लोक सुचना अधिकारी
गाजियाबाद विकास प्राधिकरण
पुराना बस स्टैंड, नवयुग मार्केट, नया गंज, गाजियाबाद,
उत्तर प्रदेश 201001

विषय :आरटीआई अधिनियम, 2005के तहत आरटीआई आवेदन का स्थानांतरण।
सन्दर्भ :आरटीआई आवेदन पंजीकरण सं .CPCBD/RIE/23/00436 दिनांक 19/05/2023 .

महोदय,

यह श्री अनुज जैन से प्राप्त आरटीआई आवेदन के संदर्भ में है ई मेल दिनांक 25 मार्च 2023 को की गई शिकायत के संबंध में जानकारी मांगी है, जो कि निपुण विल्डर्स एंड डेवलपर्स प्राइवेट लिमिटेड संबंधित है। आरटीआई को आरटीआई अधिनियम की धारा 6 (3) के तहत गाजियाबाद विकास प्राधिकरण को हस्तांतरित किया जाता है। इस मामले में यह अनुरोध है कि कृपया आवेदक को उत्तर प्रदान करने की कृपा करें।

आपकी विश्वासी,

(गरिमा शर्मा)

सीपीआईओ सहायक सचिव

अनुलग्न :ऊपर के रूप में

Item No.09

Court No. 2

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

Original Application No.558/2023

Anuj Jain

Applicant

Versus

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. Anuj Jain, applicant in person
Respondent(s): Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)**ORDER**

1. Sh. Anuj Jain, applicant present in person.
2. The issue raised in the original application is that Respondent No.6-Nipun Builders & Developers Pvt. Ltd. had started construction in the project namely 'Nipun Saffron Valley', Ghaziabad, a group housing project at Village Pasona Pargana, Loni, District Ghaziabad, UP, comprising of 5 towers A to E. It is alleged that initially construction at the site was done in violation of sanction plan and compounding of excess illegal construction was done but thereafter again construction has been done by Respondent No.6 evading the sanction plan.
3. The issue relating to construction of a group housing project in violation of the environmental norms and raising construction in violation of EIA Notification, 2006 is involved in the matter.
4. Considering the grievance of the applicant, Tribunal found it appropriate to obtain a factual report by constituting a joint committee comprising Director, CPCB as nominated by the Member Secretary,

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CPCB; Member Secretary, UPPCB; Member Secretary, SEIAA and District Magistrate, Ghaziabad.

5. The joint committee has filed its report dated 06.12.2023 therefrom we find that in the development of the project in question there are violation of environmental laws and norms and prima facie the project should not be allowed to continue without complying with the environmental laws.

6. However, we find from the record that notices have not been issued to the respondents, therefore, in order to give opportunity of hearing to the concerned parties, we direct the Registry to issue notices to the respondent nos. 1 to 6 who may file their reply/response within two weeks after receipt of notice.

7. List the matter on 18.01.2024.

8. In the meantime, we remind State PCB and its officials about their statutory duties and to ensure that no activities in violation of environmental laws should be allowed to continue and appropriate remedial, preventive and punitive action should be taken by them against respective violators.

9. A copy of this order shall be sent to concerned Regional Officer, UPPCB and Member Secretary, UPPCB for information and compliance.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 08, 2023
Original Application No.558/2023
JG