

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 884 OF 2022

IN THE MATTER OF:**SANJEEV KUMAR****..... PETITIONER****VERSUS****UTTAR PRADESH POLLUTION CONTROL BOARD AND ORS****..... RESPONDENTS****INDEX**

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..... PETITIONER

VERSUS

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..... RESPONDENTS

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IT IS MOST RESPECTFULLY SHOWETH:

1. That the instant matter was heard by this Hon'ble Tribunal on 03.05.2023 and this Hon'ble Tribunal was displeased with the supplementary report dated 18.02.2023 filed by joint committee in respect of UPAVP (UTTAR PRADESH AVAS VIKAS PARISHAD) which was factually correct in every manner.
2. It is further submitted that there are immense discrepancies found by the Joint committee which was duly observed by this Hon'ble Tribunal. This Hon'ble Tribunal has imposed cost on UPAVP of 20 Crores for restoring the environment and directed that State PCB would utilised the same as per action plan which would be prepared by the CPCB, State PCB and District Magistrate with association of concerned stakeholders in Siddharth Vihar Yojana.
3. It is submitted that Joint Committee in its report dated 18.02.2023 in respect of UPAVP has found certain number of non-compliance which are as follows;

“c) U.P. Awas Evam Vikas Parishad has built 1292 homes under Ganga, Yamuna and Hindon Apartments Scheme in sector 7, Siddharth Vihar, of these 550 have been sold and have been inhabited.

d) That none of the above-mentioned schemes have a captive STP and presently the sewage from these schemes is being carried by the trunk sewer line and its eventually disposed in open areas and low-lying areas within the Siddharth Vihar Yojana.

e) That small parks under Manyavar Kanshiram ji Shahri Garim EWS Scheme and Ganga, Yamuna and Hindon Apartments Scheme have been developed by U.P. Awas Evam Vikas Parishad but the master plan zonal in an area of 20.5338 acre and green belt in an area of 24.71 acre near private group housing societies has not been developed yet. At the time of inspection, the said area was being used for agricultural purpose. Also, in some areas, construction and demolition waste was found in the said green area and stagnant domestic waste water was also found in a pocket near the mazar in the green belt as can be seen in the photograph below.

f) That with regards to encroachments, it was observed that temporary vending shops have come up in areas near under construction projects.

g) That the sewer line laid by U.P. Awas Vikas Parishad is presently not connected to the terminal STP which is still under construction due to which issue of water logging, more so in monsoon season cannot be ruled out. The State Board has issued a show cause notice for imposition of environmental compensation of Rs. 50,000/- per day since the day possession has been given in Siddharth Vihar Yojna/upto five years, copy of same is annexed as Annexure VIII. Photograph of under construction STP and water logging in the area is as below.

h) That the road infrastructure in the area is dilapidated and almost all major roads need to be black topped. Though anti-smog guns and tankers are being used for purpose of water sprinkling but the dust generation due to broken roads and vehicular movement on these roads is adding to dust pollution in the region. The State Board has already issued notice to U.P Awas Evam Vikas Parishad on said issue on 20-10-2022, copy of said notice is annexed as Annexure IX. Also, the State Board has issued a show cause notice to U.P. Awas Evam Vikas Parishad for imposition of environmental compensation of 13,50,000/- for dust emissions and air pollution due to broken roads

4. It is submitted that regardless of the specific directions, UPAVP refrain itself to clear the discrepancies found by the joint committee. It is further submitted that

modification application by way of I.A. no. 714/2023 filed by the UPAVP is completely deceptive. That the application is brimming with blatant lies and deceit in respect of road infrastructure, air quality and sewer network & sewage treatment. It is germane to mention here that UPAVP has not developed any of the above-mentioned things which is continuously leading to the environment damage in the respective area.

5. It is germane to mention here that contentions in the modification's application are completely vague and ambiguous. It does not mention whether unauthorised construction, illegal encroachments on green belt exist or not. It is pertinent to mention here that a 43-acre land reserved for public purposes on which Awas Vikas Parishad, Ghaziabad proposed a theme park. That the said park is lying vacant with no proper fencing and one of the pockets of the said plot which was left for the green space has been turned into a dumping yard for the societies. It is pertinent to mention here that the respective green space is lying vacant and 43-acre green park has been encroached, some people are growing crops on the respective land in which several no. of times some people rows the land with their tractors which leads to dust emission in the area. It is further submitted that one of the pocket is filled with waste water in the respective land. Some Despite apprising about the situation to the concerned authorities nothing remedial steps has been taken so far. True Photographs of the 43-acre theme park which was proposed to be developed by UPAVP in Siddharth Vihar Yojana is hereby annexed as **ANNEXURE R1**.
6. That the status of the area as per the application is incomplete in terms of some imperative aspects, regarding to roads conditions and water logging situations in the Siddharth Vihar Yojna. It is submitted that as per the application roads are completely built in the respective area, it is a fallacious contention made by UPAVP in their application for modification. That the residents faced issues of dust pollution besides drainage blocks and water logging, which are turning into a potential health hazard. That the roads conditions are completely dilapidated which is leading to the severe problem of dust emission in the entire area. That the Uttar Pradesh Pollution Control Board (UPPCB) has imposed an environmental compensation cost (ECC) -- ₹50,000 per day up to a maximum of five years beside a fine for dust pollution -- on Uttar Pradesh Awas Vikas Parishad's Siddharth Vihar scheme in Ghaziabad for not putting in place basic infrastructure facilities, the lack of which was resulting in pollution in the vicinity. True photographs of the actual conditions of roads in the Siddharth Vihar Yojana is hereby annexed as **ANNEXURE R2**.
7. That the status of Siddharth Vihar Yojana, according to the application of UPAVP is absolutely fine there is no violation in terms of any of the environment norms. However factual status of ground is completely different from what is mentioned in the application. It is submitted that no trunk sewer line has been laid down due to which there is complete congestions in the drains. That several portions of the

Siddharth Vihar Yojana are reeling under water logging situation in the monsoon season due to lack of sewage network, lack of drains in the entire area. People living in the area suffers from drainage congestions as there is no willingness on the part of the authorities to make a suitable environment. Applicant and other residents have apprised about the inhabitable conditions several number of times to the concerned authorities but nothing has been done so far. True photographs of the conditions of the drainage network system in the entire area of Siddharth Vihar Yojana is hereby annexed as **ANNEXURE R3**.

8. That as per the application for modification STP was proposed to be completed in July, 2023. It is submitted that a reply has been filed by the UPAVP dated 02.05.2023 in the present OA. It is further submitted that frivolous report has been filed by the UPAVP in the present matter twice. It is admitted in the application as well as in the reply of the UPAVP that the STP would be finished in this year. It is submitted that this OA was filed in Nov 2022 and the reply has been filed in the month of may, sufficient amount of time has been passed in the matter still the proposed work is under construction. People in the Siddharth Vihar Yojana are helpless, there is no sign of existing infrastructure in the area to carry untreated sewage, demolition waste is being dumped in the open area. True Copy of the conditions of drains in the area is hereby annexed as **ANNEXURE R4**.
9. That the status report according to the application is completely misleading and misconceived. It is the obligatory duty of the UPAVP to develop basic infrastructure. People are living in inhabitable conditions and due to lack of administration no work has been done as promised as a consequence of which people of the said area suffering from unavoidable conditions.

It is categorically laid down that clean environment is fundamental right of citizens under Article 21 and it is for the local bodies as well as the state to ensure that public health should be preserved by taking all possible steps. Failure to do so would be disastrous for the health of the citizens and defeat the very purpose of regulatory scheme manned to protect the environment.

PRAYER

It is humbly prayed to this Hon'ble Tribunal kindly dismiss the modification application I.A. 714/2023 of respondent no. 3 and 4 as there is no progress being done on ground by the respondents and a complete misleading application has been filed. It is further submitted that UPAVP deserves no leniency from this Hon'ble Court on account of proposed work which they ought to do.

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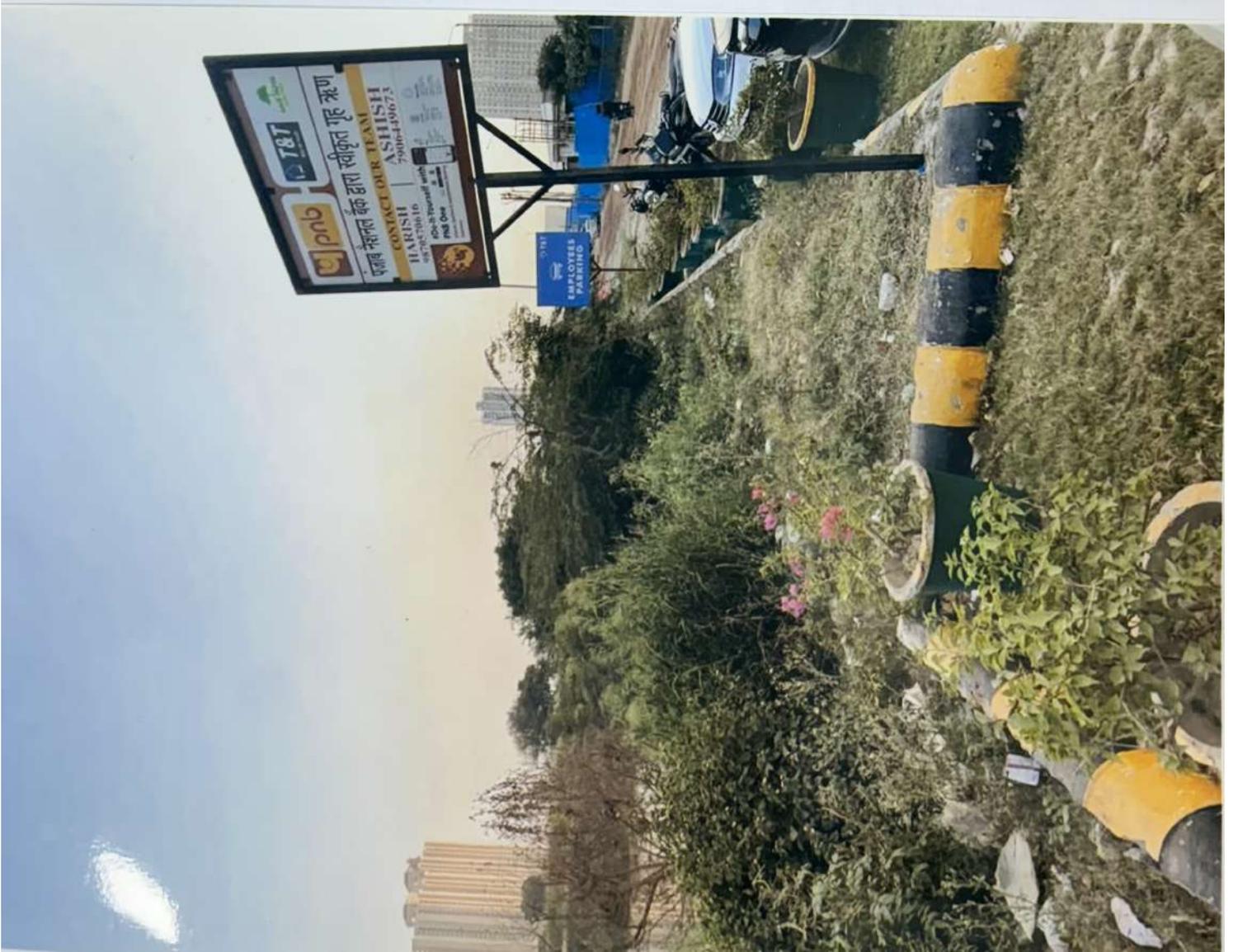
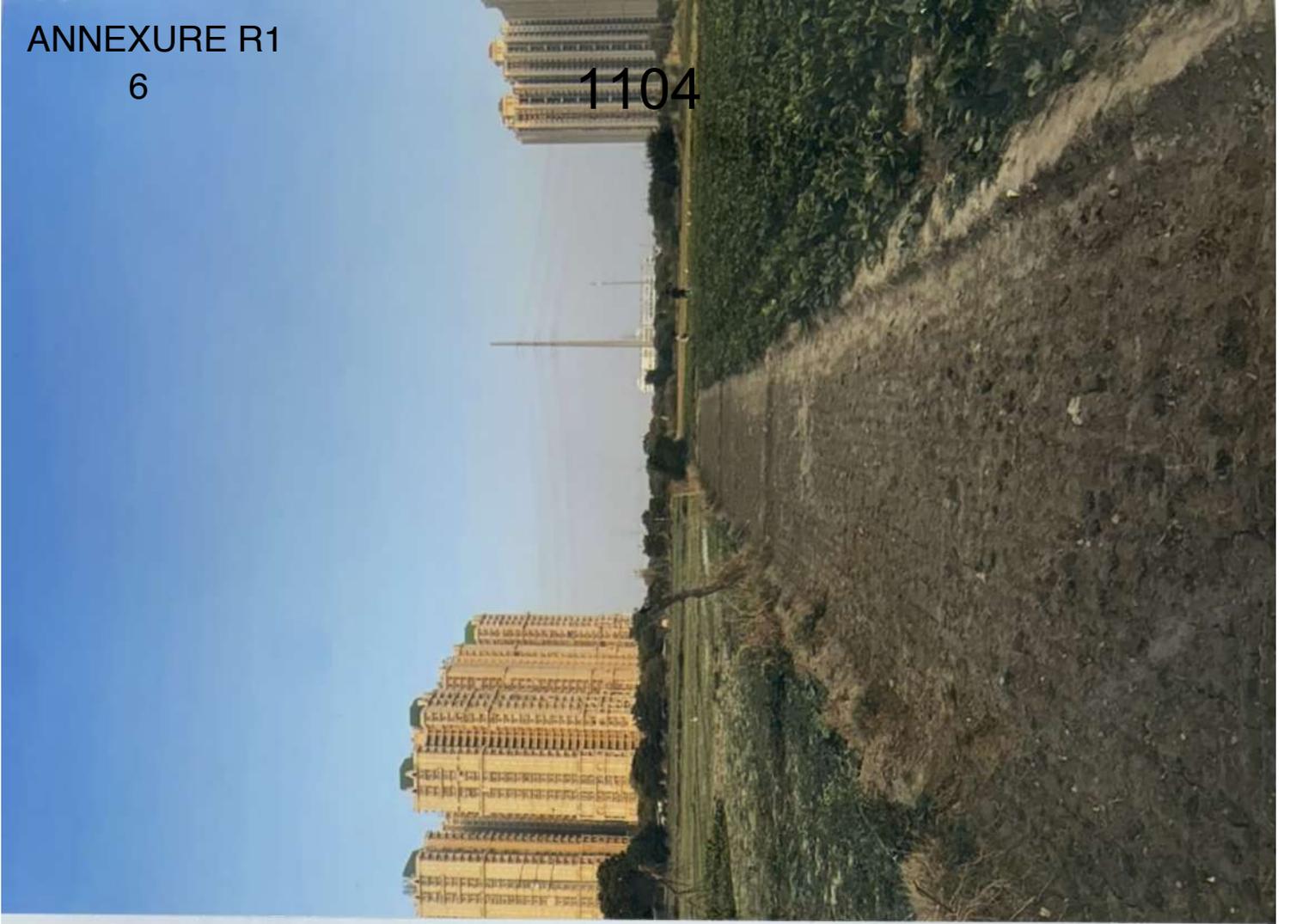
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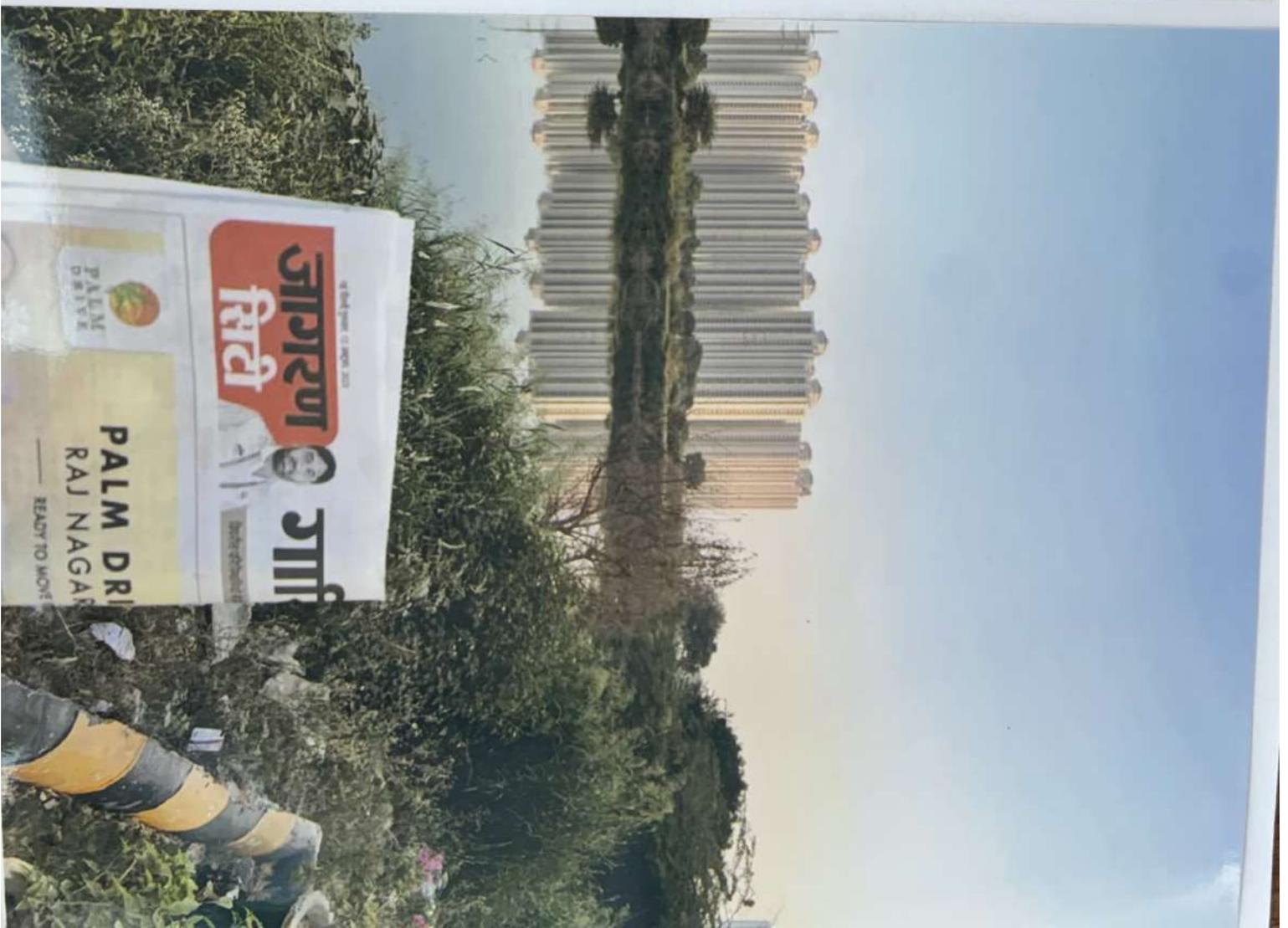
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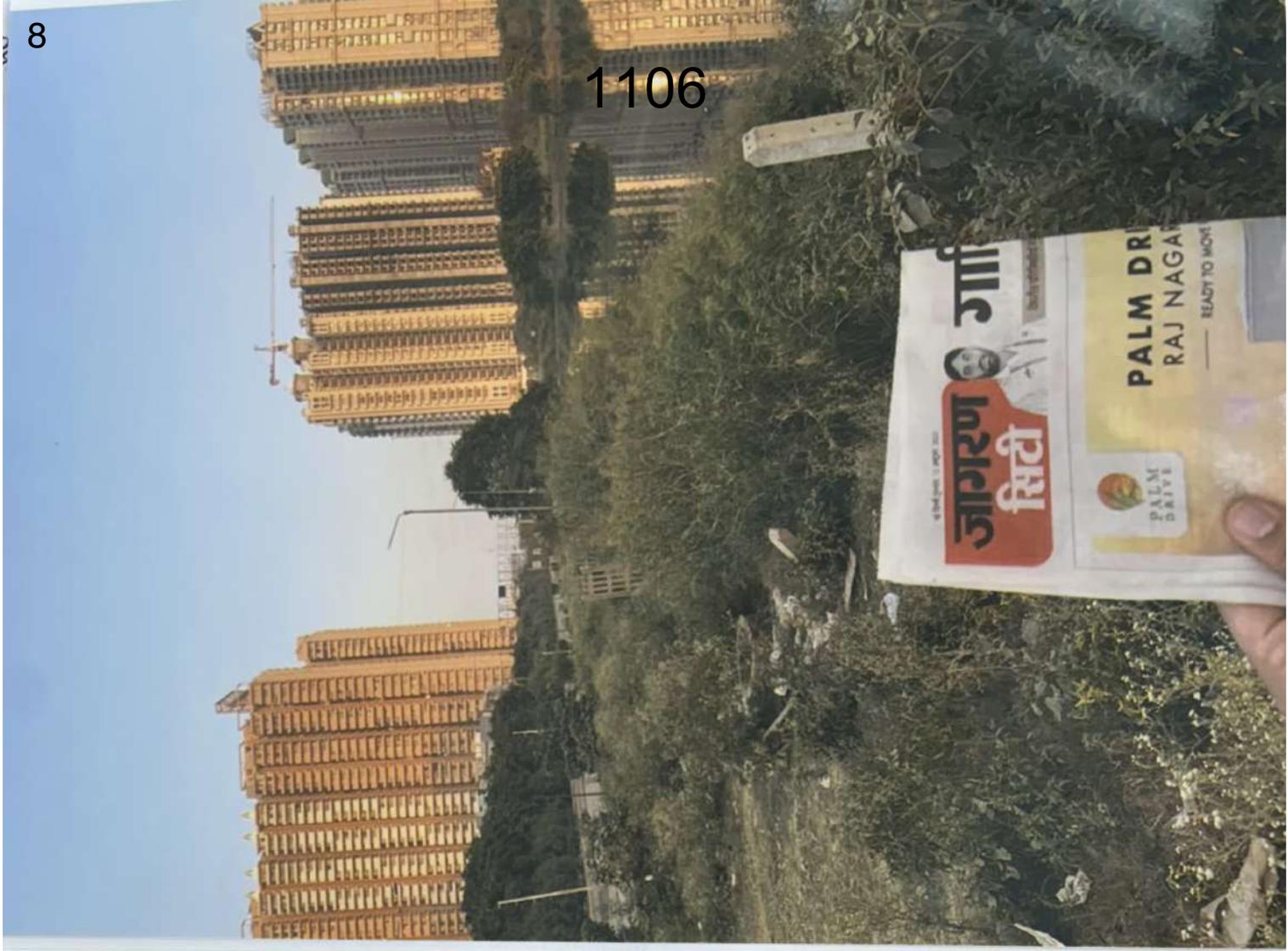
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श्री दिनेश कुमार, 12 मार्च, 2023

जागरण सिटी

राज नगरी

PALM DRIVE

PALM DRIVE
RAJ NAGARI

— READY TO MOVE

श्री दिनेश कुमार, 12 मार्च, 2023

जागरण सिटी

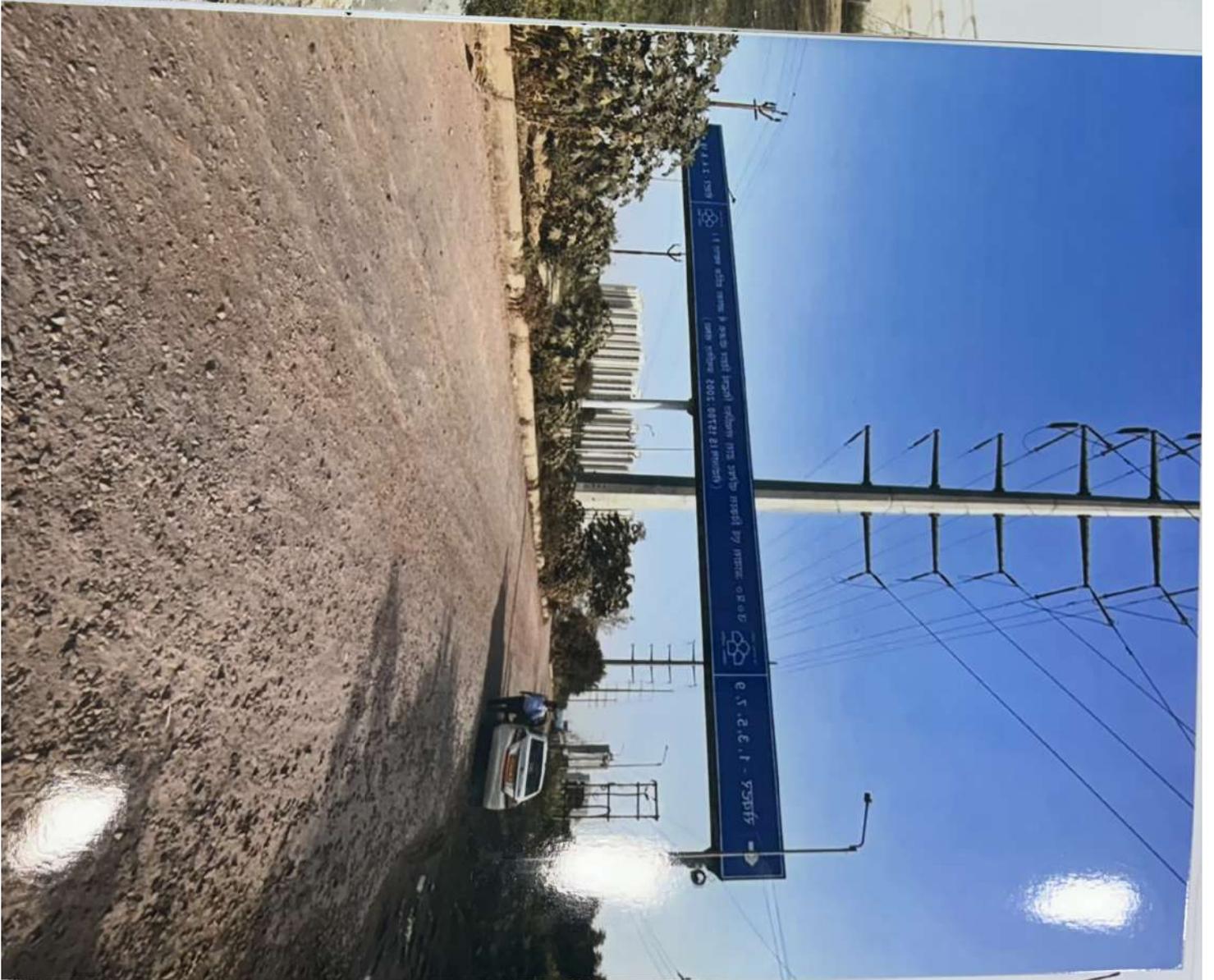
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PALM DRIVE

PALM DRIVE
RAJ NAGARI

— READY TO MOVE

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विद्यार्थी परिषदके द्वारा

12 जून् 2023 को

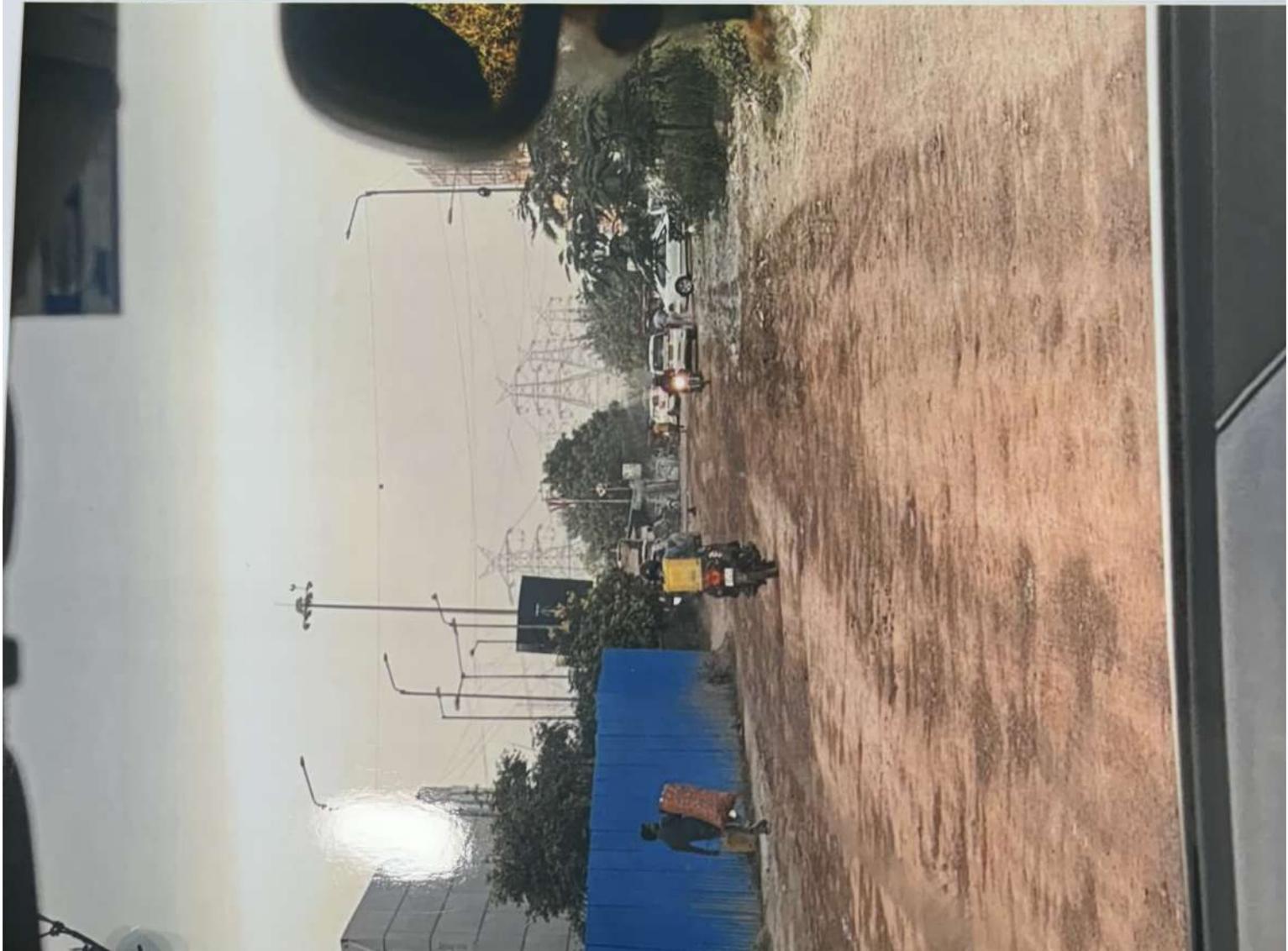
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PALM DRIVE
RAJ NAGAR



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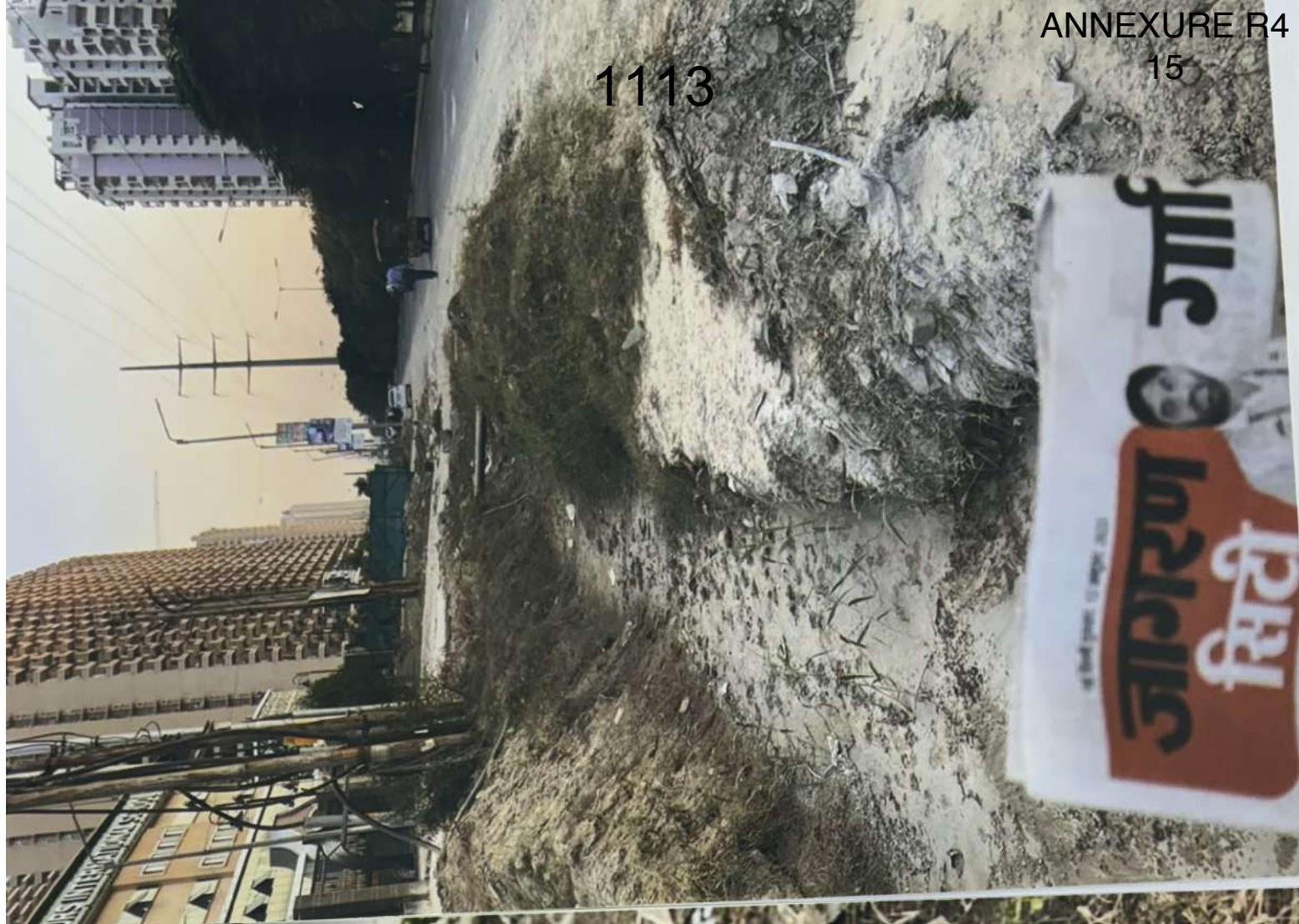


Annexure - R3

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Thnxw - R4



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UTTAR PRADESH POLLUTION CONTROL BOARD AND ORS

..... RESPONDENTS

AFFIDAVIT

I, SANJEEV KUMAR aged about 49 S/o SHRI NARAYAN SINGH R/o Flat No. 130, First Floor, Block D, Gaur Siddartham, Plot no. BS 01-01, Sector-8, Siddharth Vihar Yojana, Ghazaibad, Uttar Pradesh-201012, do hereby solemnly affirm and declare under: -

1. That I am duly authorized on behalf of the applicant in the above case and well conversant with the facts, circumstances and record of the case and as such, I am competent to swear this affidavit.
2. I have gone through the accompanying and the same has been read over to me in vernacular and the same has been drafted on my instructions and submission are true and correct to the best of my knowledge and beliefs.
3. That the annexure R 1 to R 4 annexed with accompanying application are true copies of the their originals.
4. That the contents, submission and averments of the accompanying application are repeated and reiterated herein and may be deemed to be incorporated herein and shall be treated as part and parcel of the affidavit.

DEPONENT

VERIFICATION



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I, SANJEEV KUMAR AGED ABOUT 49 S/o SHRI NARAYAN SINGH R/o Flat No. 130, First Floor, Block D, Gaur Siddartham, Plot no. BS 01-01, Sector-8, Siddharth Vihar Yojana, Ghazaibad, Uttar Pradesh-201012, do hereby solemnly affirm and declare that all the contents of my affidavit are true and correct to the best of my knowledge

Verified at _____ on this 01st day of December 2023



DEPONENT



ATTESTED
Munendra Kumar Shishodia
Notary Advocate
Reg. No-13478

02 DEC 2023