

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 710/2023

IN THE MATTER OF:

Sushil Raghav

Applicant

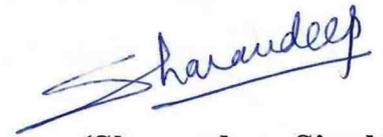
Vs.

State of Uttar Pradesh & Ors.

Respondent(s)

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1.	Reply on behalf of Central Pollution Control Board (CPCB) in compliance to Hon'ble NGT order dated 30.11.2023 in OA No. 710/2023, Sushil Raghav Vs. State of U.P. & Ors.	
2.	Annexure-I: A copy of the Hon'ble NGT order dated 30.11.2023.	



(Sharandeep Singh)

Scientist E

Central Pollution Control Board

Delhi-110032

Dated: 02.02.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

Sushil Raghav

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Vs.

State of Uttar Pradesh & Ors.

Respondent(s)

**REPLY ON BEHALF OF RESPONDENT NO. 8, CENTRAL
POLLUTION CONTROL BOARD.**

MOST RESPECTFULLY SHOWETH:-

A. That I, Sharandeep Singh S/O S. Charanjeet Singh aged about 44 years, is currently working in the capacity of Scientist 'E' of the Central Pollution Control Board (hereafter referred as CPCB). I am fully conversant with the facts of the case and hence competent and authorized to file this reply on behalf of the Respondent No. 8 (CPCB).



B. That, Respondent No. 8 herein, is a statutory organization constituted under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 to perform the functions assigned to it under the said Act. Under Section 3 of the Air (Prevention & Control of Pollution) Act, 1981, the CPCB has also been entrusted to perform the functions under the said Act. CPCB is also entrusted with certain powers and functions under The Environment (Prevention and Control of Pollution) Act, 1986.

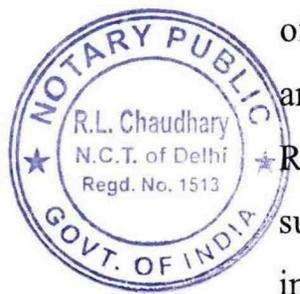
PARA WISE REPLY

I - That the contents of Para No's. I-II of the Original Application stipulates the addresses of Applicant's counsel and Respondents which are a matter of record thereby needs no reply from this answering Respondent.

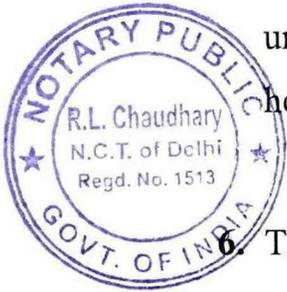
II - That the contents of Para No's. III - VII related to allegations of violation of Environmental Laws at the area under reference and orders passed by Hon'ble Tribunal, these are the matters of record and need no reply from this answering Respondent. It is further submitted that violations, if any, under the concerned Acts/Rules are to be dealt by as per provisions stipulated under such Acts/Rules.

REPLY ON MERIT TO THE BRIEF FACTS:-

1. That the contents of Para No.1 of the Original Application (hereinafter referred as OA) is related to information regarding applicant's identity.
2. That the contents of Para No.2 of the OA enumerate the alleged functions of all the Respondents. The mandatory functions of all the Respondents are matters of record hence need no reply from this Answering Respondent against each Respondent respectively. However, it is humbly submitted by this Answering Respondent that functions, actions and initiatives taken by CPCB are available on the Website of CPCB (<https://cpcb.nic.in/>) for information of all stakeholders. It is further submitted that CPCB does not issue any orders for reservation of green areas or any Clearance, Consent, Permission etc. to any projects as mentioned in the present OA.



3. That the contents of the Para Nos. 3 and 4 relates to layout map, approved lay out plan of Rajendra Nagar Industrial Colony, Ghaziabad and allegations as to construction of road at the site earmarked for park in the layout map. The same is a matter of record, hence needs no reply. It is further submitted that violations, if any, under the concerned Acts/Rules are to be dealt by as per provisions stipulated under such Acts/Rules.
4. That the contents of the Para No. 5 of the OA relates to allegations not pertaining to the answering Respondent herein, hence, needs no reply from this answering Respondent.
5. That the averments made in the Para 6 alleges about the area which falls under jurisdiction of the Ghaziabad Development Authority (GDA) hence, needs no comments from this answering Respondent.
6. That the contents of the Para Nos. 7 to 11 pertains to various orders passed by the Hon'ble Courts, allegations of violation of those orders made by the respective agencies and applicant's concern regarding demarcation of the said area. It is humbly submitted that court orders are matter of record and hence, need no comments from this answering Respondent.
7. That the contents of the Para Nos. 12 to 16 relates to certain facts and allegations pertaining to Ghaziabad City, provisions of NCAP, National Ambient Air Quality Standards, city action plan for non-attainment cities and powers of Uttar Pradesh Pollution Control Board, which are matter of records, hence, need no comments from this answering Respondent.



8. That the contents of the Para Nos. 17 & 18 are about communication made by the applicant to the various authorities and Government Departments. In this context, it is humbly submitted that, these are the matter of records and violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rule.

REPLY ON MERIT TO THE GROUNDS:-

9. That the contents of the Grounds taken by the applicant vide para A to V are repetition of the facts and law as mentioned in the brief facts in the OA, thereby, it is humbly submitted that the same have been replied in the Paras above and are not repeated for sake of brevity.
10. That Limitation clause needs no reply being matter of record.

It is respectfully prayed that this Respondent no.8 shall abide by all the directions/ orders passed by the Hon'ble Tribunal, in the instant application in the larger interest of justice.



Sharandeep
DEPONENT

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
 (पर्यावरण, वन एवं जल संवर्धन विभाग, भारत सरकार)
 (Ministry of Environment, Forests & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अजुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Original Application No. 710/2023**

IN THE MATTER OF:

Sushil Raghav

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Vs.

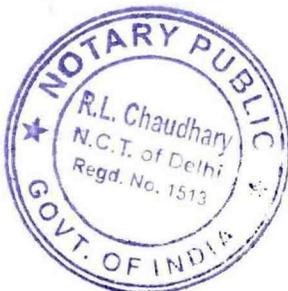
State of Uttar Pradesh & Ors.

Respondent(s)

AFFIDAVIT

I, Sharandeep Singh, S/o S. 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 accompanying reply to the OA has been drafted by my counsel under my instructions and authority and the contents of the same are true and correct on the basis of the record maintained in the ordinary course of business and day to day affairs of the CPCB, and same are not repeated herein for the sake of brevity and be read as part and parcel of this affidavit.



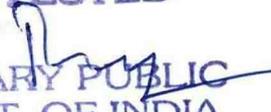
Sharandeep
DEPONENT
शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली
Parivesh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

VERIFICATION

- 2 FEB 2024

Verified at Delhi on this day of February, 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

- 2 FEB 2024



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

Item No. 02

Court No. 1

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

Original Application No. 710/2023
(I.A. No. 835/2023)

Sushil Raghav

Versus

Applicant

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 30.11.2023

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

Applicant: Mr. Rahul Choudhary & Ms. Sruthi K. Advocates

ORDER

1. In this original application, Applicant has raised the grievance that the park was earmarked at Rajendra Nagar Industrial Colony on G.T. Road Mile 8/7, Sahibabad, Ghaziabad but the Ghaziabad Municipal Corporation is undertaking the activity of construction of road/pathway on the land earmarked for park and is also constructing the drain and shifting the boundary of the park by reducing the park area. The plea of the Applicant is that park is required to be preserved in view of the order of the Tribunal in the matter of *Residents Welfare Association vs. State of Haryana* reported in 2019 SCC OnLine NGT 2797.

2. Learned Counsel for the Applicant submits that the National Clean Air Program has been formulated in terms of Section 16(2)(b) of the Air (Prevention and Control of Pollution) Act, 1981 which requires the concerned authorities to maintain the green area and in the present case, reduction of green area violates the National Clean Air Program also. He has further submitted that the impugned activity also violates the short-term action plan relating to 'Non-Attainment Cities' which requires the

Forest Department to maintain greening of open area, gardens, community places, etc.

3. Having regard to the issue which has been raised in the OA, we are of the opinion that the OA involves substantial issue relating to compliance of the environmental laws.

4. Hence, at this stage, we deem it proper to issue notice to the Respondents. The Applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.

5. We also form a Committee comprising of the Member Secretary, Uttar Pradesh Pollution Control Board, concerned Divisional Forest Officer and District Magistrate, Ghaziabad who will carry out the spot inspection, ascertain the correct position on the spot and file action taken report before the Tribunal within six weeks Tribunal 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. The District Magistrate will be the nodal officer in the Committee.

6. List on 05.02.2024.

7. A copy of this order be forwarded to Member Secretary, Uttar Pradesh Pollution Control Board, concerned Divisional Forest Officer and District Magistrate, Ghaziabad by e-mail for compliance.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 30, 2023
OA No. 710/2023 (I.A. No. 835/2023)
DV