

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

MISC APPLICATION IN DISPOSED OF CASES NO. 45 OF 2025

IN

ORIGINAL APPLICATION NO. 704 OF 2024

IN THE MATTER OF:

SHYAMLAL

.....APPLICANT

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENT(S)

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THROUGH COUNSEL



BHANWAR PAL SINGH JADON

STANDING COUNSEL FOR STATE OF U.P.

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DATE: 25.06.2025

PLACE: NOIDA

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PRINCIPAL BENCH, NEW DELHI

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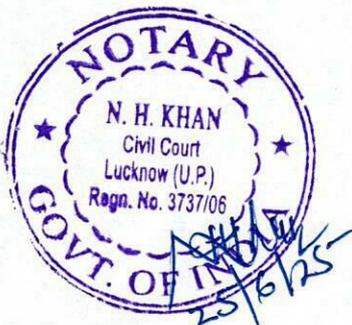
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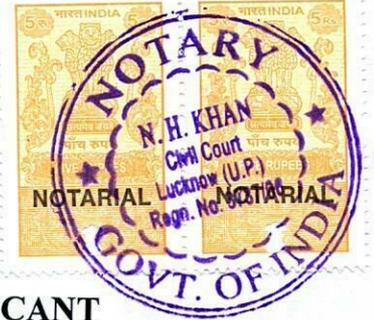
RESPONSE ON BEHALF OF UTTAR PRADESH POLLUTION
CONTROL BOARD IN COMPLIANCE OF THE ORDER DT. 16.04.2025
PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW
DELHI

I, Sanjeev Kumar Singh, aged about 39 years S/oShri Lal Sahab Singh, presently posted as Member Secretary, Uttar Pradesh Pollution Control Board, do hereby solemnly affirm and state on oath as under:

1. That I am the Deponent in the above captioned matter and am fully conversant with the facts of the case and is competent and authorized to swear the present affidavit.



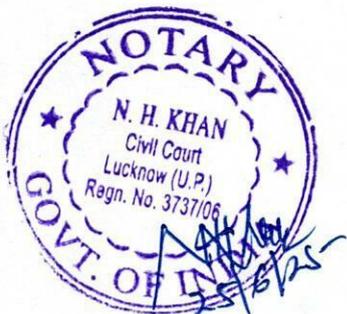
sk



2. That I state that the contents of the affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.

I. BACKGROUND OF THE MATTER

3. That in the present matter, vide a letter petition dt. 16.10.2023 has raised the grievances about welding and winding units operational with fuel furnaces where illegally cut wood was being used as fuel.
4. That this Hon'ble Tribunal disposed of the original application by constituting a Joint Committee comprising District Magistrate, Ghaziabad and UPPCB and directing the same to verify the factual position and take appropriate prohibitive, preventive and remedial action and submit a report.
5. That in compliance thereof, report dated 21.10.2024 has been filed by the Joint Committee. That the said report states as under:
 - i. During visit representative of the unit Smt. Anita Sharma w/o Shri Santosh Sharma proprietor of the unit was present and reported the working of the unit to be since year 2009.



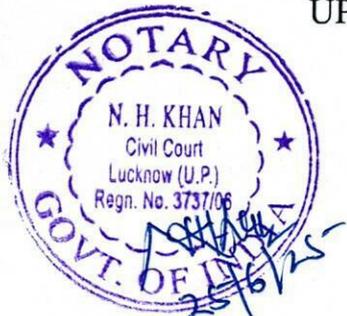
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ii. During visit it was found that the unit is engaged in repairing work of sugar machinery parts by using lathe machine. Further during visit no furnace was found to be established by joint team. No emission and effluent discharge were found observed.

6. That thereafter the applicant has filed Miscellaneous application and after considering the matter, Hon'ble NGT, New Delhi has passed order on 16.04.2025. The relevant portion of the order has been reproduced herein as under:-

".....6. In view of the facts and circumstances of the considers, we consider it necessary to seek response from (1) State of U.P through District Magistrate, Ghaziabad; (2) Nagar Palika Parishad, Modinagar, Ghaziabad through Executive Officer; (3) UPPCB through its Member Secretary; (4) M/s Surya Engineering Company, D-17, Guru Nanakpura, Modinagar, Ghaziabad who are impleaded as Respondents No. 1 to 4. "

7. That in compliance of the aforementioned order, the latest inspection of unit M/s Surya Engineering company located at D-17, Gurunanakpura, Modinagar, District Ghaziabad in the residential area of Nagar Palika Parishad Modinagar, Ghaziabad was carried on 15.05.2025 by the UPPCB officials.



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A Copy of the inspection report dt. 15.05.2025 has been annexed herewith as ANNEXURE A-1.

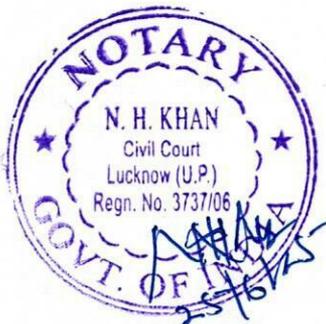
8. That during the said inspection it was observed as under: -

- i. During visit the unit M/s Surya Engineering company located at D-17, Guru nanakpura, Modinagar, District Ghaziabad was found dismantled, and no plant and machinery/ furnace was found at site except some scrap material.

Photographs of the said site have been attached within the aforementioned ANNEXURE A-1.

- ii. During visit no representative of the industry was present at site. Representative of complainant Mr. Arjun s/o Sh. Ashok Kumar, resident of D-17, Guru nanakpura, Modinagar, District Ghaziabad interacted and informed that presently said industry is not operational, but there is some land ownership dispute.

- iii. It is also pertinent to mentioned that in pursuant to the order dated 25.07.2024 of this Hon'ble Tribunal a letter dated 10.09.2024 was received from Executive Officer, Nagar Palika Parishad Modinagar, Ghaziabad stating that no industrial activities is being carried out at the site in question.



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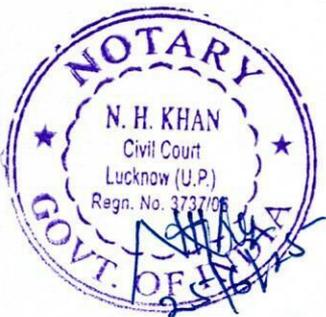
Copy of the letter dt. 10.09.2024 has been attached with **ANNEXURE A-1 as Annexure-1.**

9. That furthermore, the Nagar Palika Parishad has issued a notice dt. 06.06.2025 to the Project Proponent. That vide the said notice it has been informed to the Project Proponent that if at any point in the future, the Project Proponent attempt to restart the operations of this company, then appropriate action shall be taken by the Municipal Authority against Project Proponent.

A Copy of the letter dt. 06.06.2025 has been annexed herewith as **ANNEXURE A-2.**

10. That the deponent is duty bound to fulfil the obligation which are assigned under the law and directions passed by this Hon'ble Tribunal. The Deponent is fully committed to ensure strict adherence to the orders of this Hon'ble Tribunal and undertakes to faithfully comply with any further directions or instructions that may be issued by this Hon'ble Tribunal, without demur or delay.

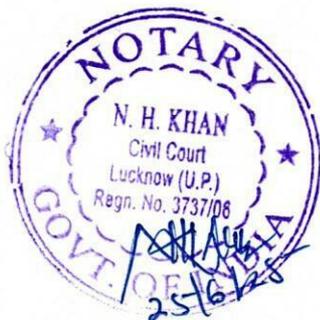
11. Hence, the present response is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.




DEPONENT

VERIFICATION

Verified at Lucknow on this 25th day of June, 2025, that the contents of the above affidavit from paragraphs 1 to 10 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



sk
DEPONENT

I know & identify the deponent/executive who has Signed/Put his Tt. before me

Adv.
(A.N. Khanam)
Advocate
U.P. Emr. No. 786/04

Sworn and Verified
Before me *[Signature]*
25/6/25
NOORUL HASNAIN KHAN
Advocate & Notary
Civil Court, Lucknow
Registration No. 3737/06

ANNEXURE A-1

Reply on behalf of UPPCB in compliance to order issued vide dated 16.04.2025 by Hon'ble National Green Tribunal, New Delhi in Misc Application in Disposed of Cases No. 45/2025 in OA No-704/2024 Shyamlal Vs State of U.P & Ors.

1-Background: -

The applicant had filed a letter petition before Hon'ble National Green Tribunal, New Delhi being aggrieved about welding and winding units operational with fuel furnaces where illegally cut wood was being used as fuel. Hon'ble National Green Tribunal, New Delhi vide order dated 25.07.2024 had disposed the matter of Shyamlal Vs State of U.P. in OA No-704/2024 and constituted a joint committee comprising District Magistrate, Ghaziabad and UPPCB for the site visit and submit a compliance report. In respect to aforesaid direction joint committee visited the site in question on 09.08.2024 and compliance report was filed by District Magistrate, Ghaziabad vide its letter dated 21.10.2024.

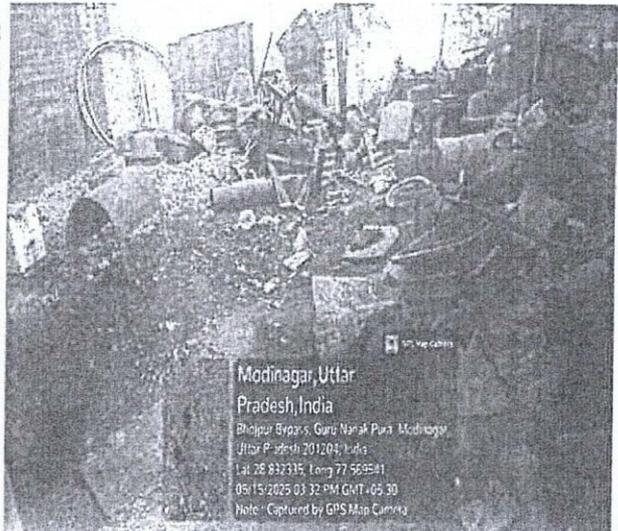
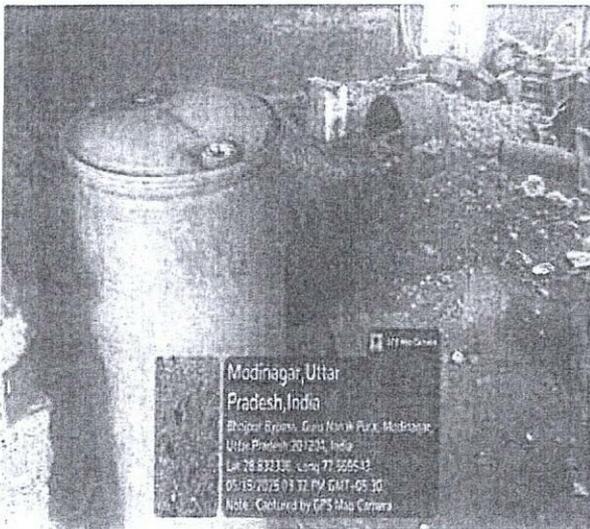
Thereafter the applicant has filed misc application and after considering the matter, Hon'ble NGT, New Delhi has passed order on 16.04.2025. The main part of order is reproduced here: -

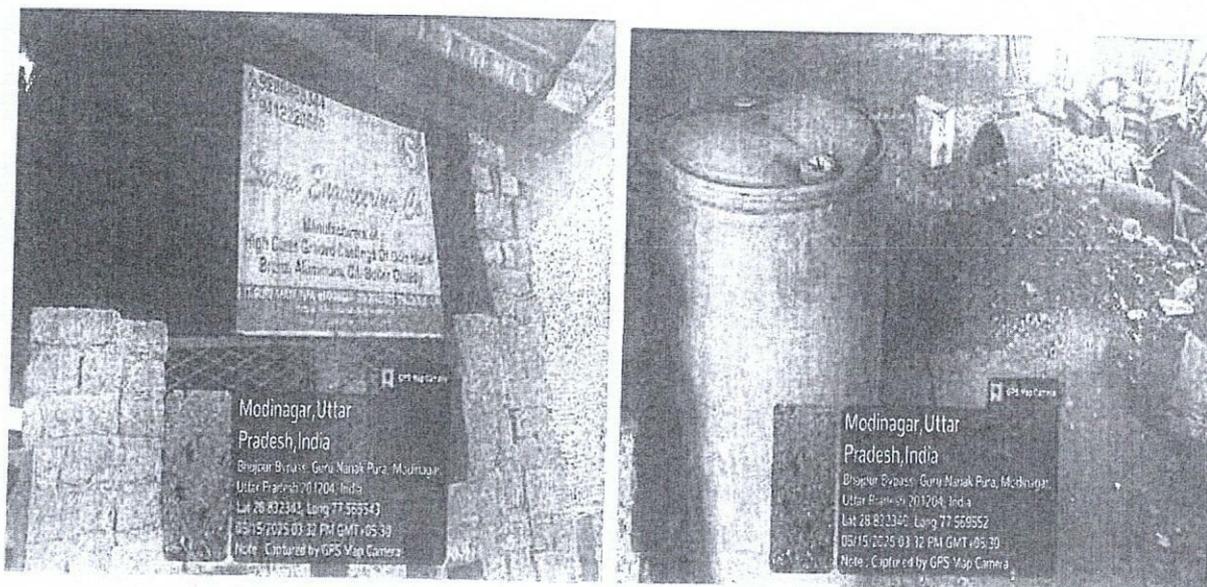
".....6. In view of the facts and circumstances of the considers, we consider it necessary to seek response from (1) State of U.P through District Magistrate, Ghaziabad; (2) Nagar Palika Parishad, Modinagar, Ghaziabad through Executive Officer; (3) UPPCB through its Member Secretary; (4) M/s Surya Engineering Company, D-17, Guru Nanakpura, Modinagar, Ghaziabad who are impleaded as Respondents No. 1 to 4. "

2. Compliance Report: -

In Compliance to aforesaid direction a latest inspection of unit M/s Surya Engineering company located at D-17, Gurunanakpura, Modinagar, District Ghaziabad was carried on 15.05.2025. During inspection following facts/findings observed are given here: -

- I. During visit the unit M/s Surya Engineering company located at D-17, Guru nanakpura, Modinagar, District Ghaziabad was found dismantled, and no plant and machinery / furnace was found at site except some scrap material.
- II. During visit no representative of the industry was present at site. Representative of complainant Mr. Arjun s/o Sh. Ashok Kumar, resident of D-17, Guru nanakpura, Modinagar, District Ghaziabad were interacted and informed that presently said industry is not operational, but there is some land ownership dispute.
- III. It is also pertinent to mentioned that in pursuant to Hon'ble NGT, New Delhi order dated 25.07.2024 a letter dated 10.09.2024 was received from Executive Officer, Nagar Palika Parishad Modinagar, Ghaziabad stating that no industrial activities is being carried out at the site in question, copy of same is annexed as **Annexure-1**.
- IV. The Photograph of site taken during visit is given below:-





Main Observations:

- A. In compliance of earlier order dated 25.07.2024 in O.A. no. 704/2024 Shyamlal Vs State of U.P., report dated 21.10.2024 has been filed by the Joint Committee constituted by Hon'ble Tribunal, according to which no furnace was found to be established at site and no industrial activity was found, which was also verified by Executive Officer, Nagar Palika Parishad, Modinagar.
- B. Neither any plant and machinery nor any source of emission/ discharge was found at site.

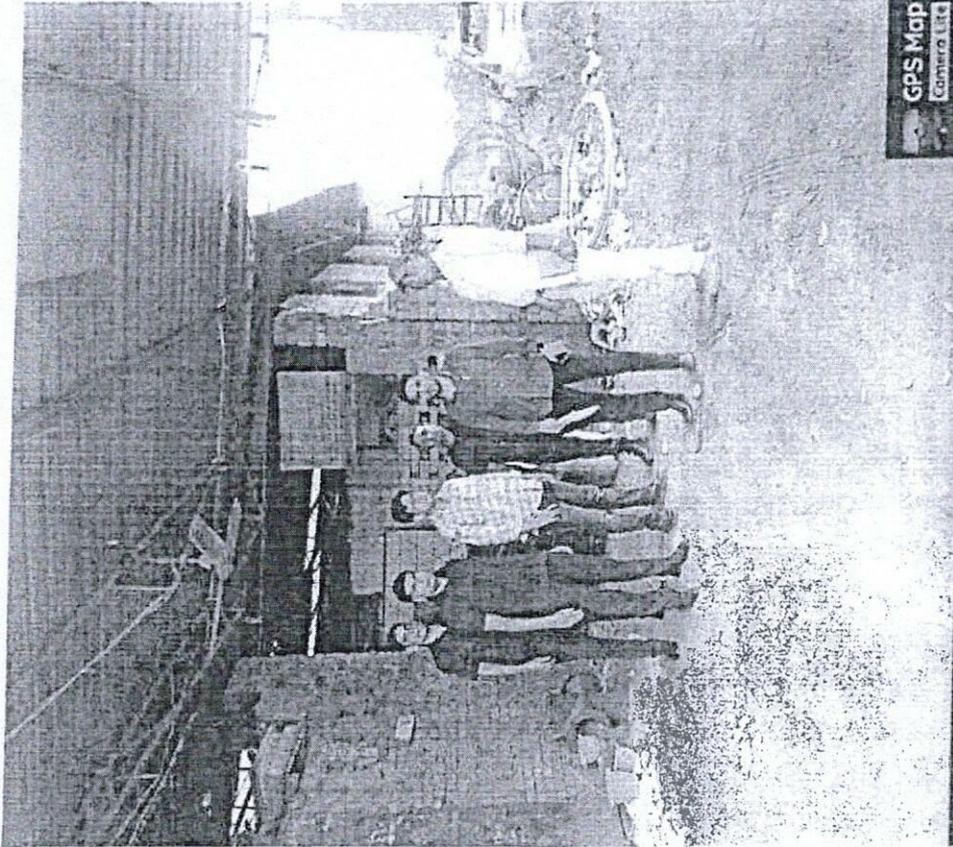
Above report is submitted here by for kind perusal and necessary action.

Anshul

(Anshul Sharma)

A.E.E.

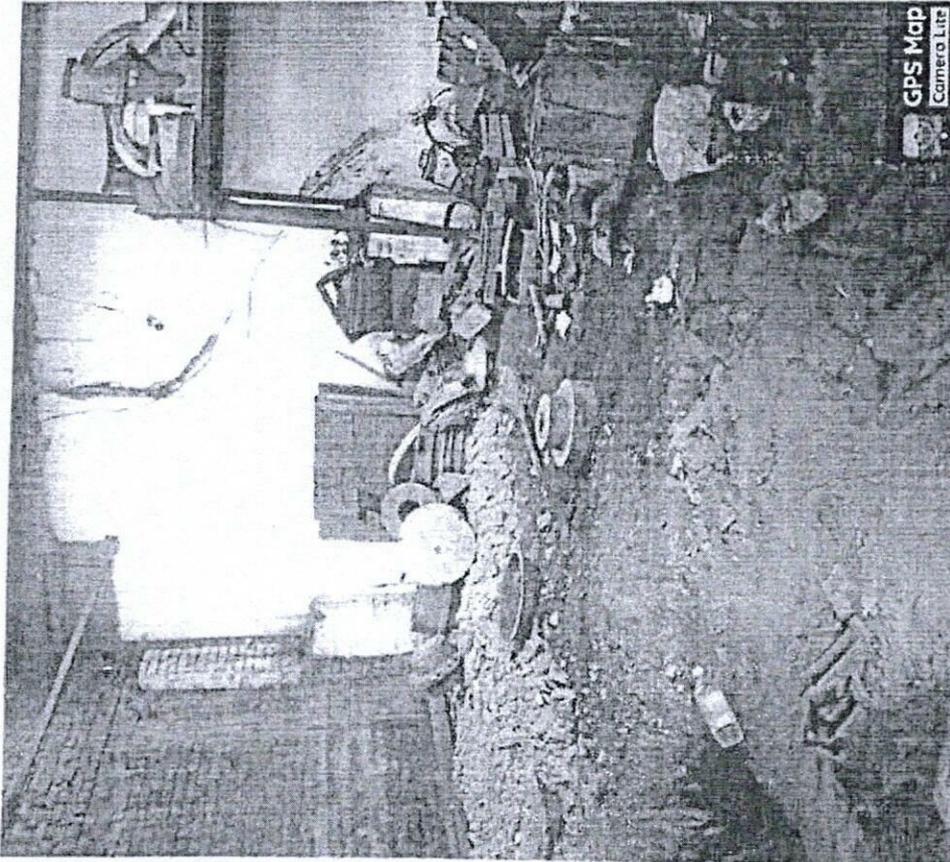
U.P. Pollution Control Board,
Ghaziabad.



GPS Map
Camera Lite

1, Guru Nanak Pura, Modinagar, Uttar Pradesh 201206, India

Latitude 28.83247833333333° Longitude 77.56957833333333°
Local 04:41:52 PM Altitude 225 m
GMT -11:11:52 AM Tuesday, 03.09.2024

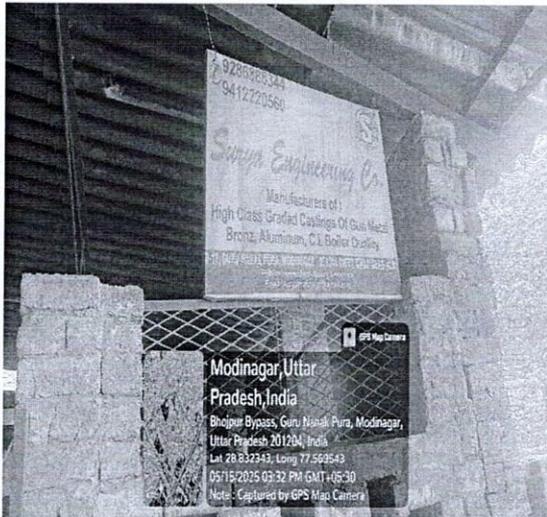
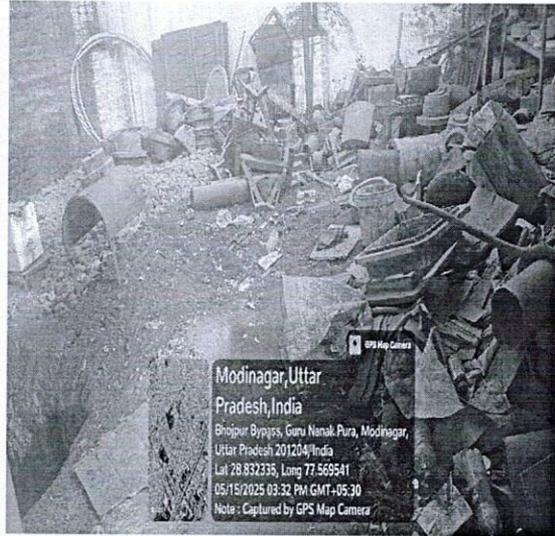
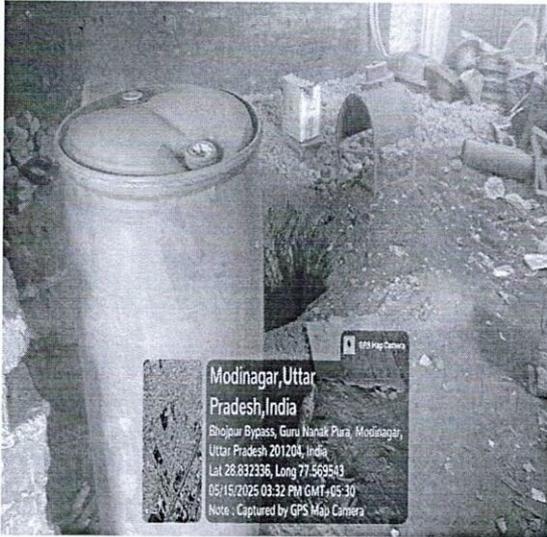


GPS Map
Camera Lite

1, Guru Nanak Pura, Modinagar, Uttar Pradesh 201206, India

Latitude 28.832436666666663° Longitude 77.569561666666667°
Local 04:42:18 PM Altitude 225 m
GMT -11:12:18 AM Tuesday, 03.09.2024

I.



कार्यालय नगर पालिका परिषद, मोदीनगर (गाजियाबाद)

पत्रांक: 940/न0पा0परि/ 2024

दिनांक 10- सितम्बर 2024

सेवा में,

क्षेत्रीय अधिकारी,
उ0प्र0 प्रदूषण नियन्त्रण बोर्ड,
गाजियाबाद।

विषय:- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 संख्या 704/2024 श्यामलाल बनाम स्टेट ऑफ यू0पी0 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने कार्यालय पत्र सं0 1160/एन0जी0टी0-222/2024 दिनांक 14.08.2024 जोकि मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 संख्या 704/2024 श्यामलाल बनाम स्टेट ऑफ यू0पी0 के सम्बन्ध में है।

उपरोक्त के क्रम में अवगत कराना है कि सम्बन्धित प्रकरण की जांच हेतु स्थलीय निरीक्षण कराया गया, जिसमें पाया गया कि सम्बन्धित स्थल पर कोई फैक्ट्री आदि का कार्य नहीं किया जा रहा है, मौके पर उपस्थित कुछ व्यक्तियों द्वारा भी अवगत कराया गया कि सम्बन्धित फैक्ट्री लगभग 4-5 महीने से बन्द है।

आख्या आपकी सेवा में सादर प्रस्तुत है।

संलग्नक:- फोटोग्राफ।



अधिशाली अधिकारी

नगर पालिका परिषद मोदीनगर।

प्रतिलिपि:- अपर जिलाधिकारी (नगर) गाजियाबाद की सेवा में सादर सूचनार्थ।

अधिशाली अधिकारी

नगर पालिका परिषद मोदीनगर।

ANNEXURE A-2

कार्यालय नगर पालिका परिषद, मोदीनगर (गाजियाबाद)

पत्रांक: 339 /न0पा0/2025

दिनांक: 06/06/2025

-नोटिस-

नगर पालिका अधिनियम 1916 की सुसंगत धाराओं के अन्तर्गत नोटिस

प्रबन्धक,
M0 सूर्या इन्जनियरिंग कम्पनी,
डी-17 गुरुनानकपुरा मोदीनगर।

आप अवगत है कि आपके द्वारा रिहायशी क्षेत्र में मैसर्स सूर्या इन्जनियरिंग कम्पनी के नाम से मौहल्ला- डी-17 गुरुनानकपुरा मोदीनगर में पूर्व में कम्पनी स्थापित की गयी थी, जो कि रिहायशी क्षेत्र में चल रही थी, जोकि अवैध थी, उक्त कम्पनी वर्तमान में संचालित नहीं है, किन्तु यह नोटिस आपको इस आशय से दिया जा रहा है, कि यदि आपके द्वारा भविष्य में कभी भी इस कम्पनी का संचालन करने का प्रयास किया गया, तो आपके विरुद्ध निवमानुसार अग्रिम कार्यवाही पालिका द्वारा की जायेगी, जिसकी समस्त जिम्मेदारी आप स्वयं की होगी, यहां यह भी अवगत कराना है कि उक्त कम्पनी के सम्बन्ध में मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित वाद संख्या- 704/2024 श्यामलाल बनाम स्टेट ऑफ उ0प्र0 एवं अन्य में प्रतिवादी संख्या (04) पर आप खुद प्रतिवादी है, तथा वर्तमान में वाद विचाराधीन है।

(अधीनशासी अधिकारी)

~~नगर पालिका परिषद मोदीनगर।~~

प्रतिलिपि:-

1. जिलाधिकारी महोदय गाजियाबाद की सेवा में सादर सूचनार्थ प्रेषित।
2. क्षेत्रीय अधिकारी उ0प्र0 प्रदूषण नियन्त्रण बोर्ड गाजियाबाद को आवश्यक कार्यवाही हेतु सूचनार्थ प्रेषित।

o/c

(अधीनशासी अधिकारी)

~~नगर पालिका परिषद मोदीनगर।~~