

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

M.A.No.46/2024

IN

Original application No. 18/2023

In the matter of:

MRITUNJAY NARAYAN JHA

...Applicant

Versus

State of Uttar Pradesh

...Respondent

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Satif

Place: Delhi

Filed by: Adv. Atif suhrawardy

Date: 07.03.2025

On behalf of Central Pollution Control Board

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

M.A.No.46/2024

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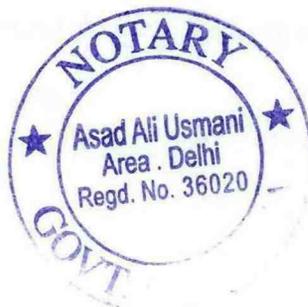
Versus

State of Uttar Pradesh

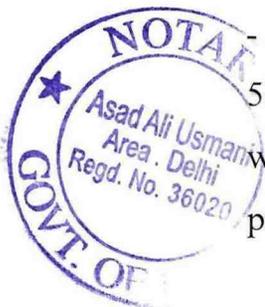
...Respondent

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL
BOARD (CPCB) i.e. RESPONDENT NO. 3**

1. That, Hon'ble NGT vide order dated 07.08.2024 has sought the reply of Central Pollution Control Board (herein after referred as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is constituted under Section 3 of The Water (Prevention and control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and control of Pollution) Act 1974 (herein after Water Act), The Air (Prevention and control of Pollution) Act, 1981 (herein after Air Act) and The Environment (Protection) Act, 1986.
3. That, it is humbly submitted that the State Pollution Control Boards/ Pollution Control Committees (herein after referred as SPCBs/ PCCs) have been constituted in States/ Union Territories under Water Act, 1974 and Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.



4. That, the present matter is related to a complaint regarding foul smell on account of sewerage pumping station situated next to Nirala Eden Park, Ahinsha Khand-II, Indrapuram Ghaziabad and noise pollution on account of operation of the power generators installed in the said sewerage plant.
5. That noise limit for diesel generator sets up to 1000 KVA have been notified vide notification GSR 371 (E) dated, 17.05.2002, as amended (at S. No. 94 of Schedule-I of the Environment Protection Rules 1986).
6. That, in compliance with Hon'ble NGT order dated 07.08.2024 passed in instant matter, CPCB has taken up the case with Uttar Pradesh Pollution Control Board (hereinafter referred as UPPCB) seeking the status report/ action taken report in the matter via letter dated 05.09.2024 and a reminder letter dated 19.11.2024. A copy of the letters is enclosed as **Annexure I-II**.
7. That, in compliance, Uttar Pradesh State Pollution Control Board (UPPCB) submitted the information on Action Taken on 01.12.2024. Copy of information submitted by UPPCB vide letter No 761/NGT-216/OA-18/2023/2024 is annexed herewith as **Annexure III**.
8. That it is respectfully submitted that UPPCB report reveals that two sewage pumping stations of 56 MLD and 48 MLD capacity for pumping the sewage to two STPs are established near to the boundary wall of the housing society - Nirmal Eden Park, GH-05, Ahinsa Khand-2, Indrapuram, Ghaziabad. The 56 MLD sewage pumping stations is having two D.G. sets (320 KVA each) with acoustic enclosure but inadequate stack height. The 48 MLD sewage pumping stations is having two very old (manufactured in.1999) D.G. sets

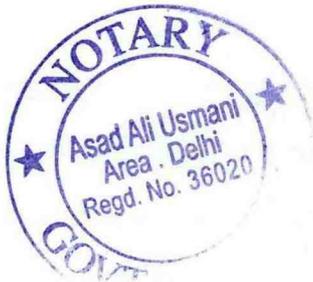


(700 KVA each) without acoustic enclosure and inadequate stack height.

The report further reveals UPPCB wrote a letter to Municipal Commissioner, Ghaziabad for providing action plan to phase out old 700 KVA D.G. Sets, convert 320 KVA D.G. Sets to dual fuel type (or RICD) as per CAQM Directions No. 76 dated 29.09.2023 as well as to take remedial measures to control odour.

9. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.

10. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



A handwritten signature in blue ink, appearing to read "Nazimuddin".

(Nazimuddin)
Scientist 'F'

Central Pollution Control Board

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

M.A.No.46/2024

IN

Original application No. 18/2023

In the matter of:

MRITUNJAY NARAYAN JHA

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Versus

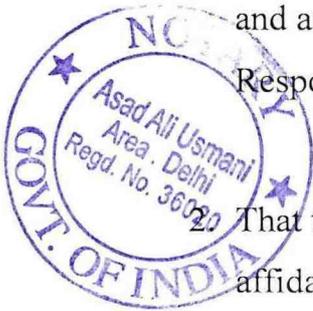
State of Uttar Pradesh

...Respondent

AFFIDAVIT

I, **Nazimuddin**, Scientist 'F', in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 3 in the above matter, do hereby solemnly affirm, declare on oath and state as under:

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.



That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB

and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Wg

नाज़िमउद्दौन / Nazimuddin
 वैज्ञानिक 'एफ' / Scientist 'F'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Mo Environment, Forest And Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

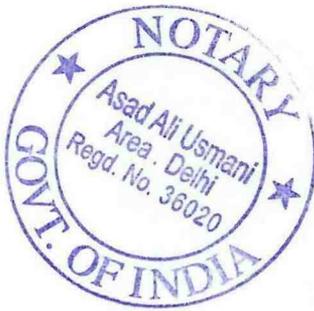
VERIFICATION

Verified at Delhi on this day of 07 MAR 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed there from or misstated.

Wg

DEPONENT

नाज़िमउद्दौन / Nazimuddin
 वैज्ञानिक 'एफ' / Scientist 'F'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (Mo Environment, Forest And Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032



ATTESTED
Wg
 NOTARY PUBLIC DELHI (INDIA)

07 MAR 2025



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

By Speed Post/E-mail

F. No. CM-13011/217/2024-LAW-HO-CPCB HO /676

05-09-2024

To

Member Secretary,
Uttar Pradesh Pollution Control Board,
Building No. TC-12V
Vibhuti Khand, Gomti Nagar,
Lucknow – 226010
Uttar Pradesh
Email: ms@uppcb.in

Subject: Direction of Hon'ble NGT order dated 07-08-2024 in M.A. No. 46/2024 in O.A No. 18/2023” - reg

Sir,

This is reference to Hon'ble NGT (PB) order dated 07.08.2024, in M.A. No. 46/2024 in O.A No. 18/2023 in the matter of Mritunjay Narayan Jha versus State of Uttar Pradesh (copy enclosed). The matter is related to a complaint regarding pollution on account of sewerage pumping station situated next to Nirala Eden Park, Ahinsha Khand-II, Indirapuram Ghaziabad and noise pollution on account of operation of the power generators installed in the said sewerage plant.

In this regard, it is requested to provide an updated status on subject matter and also share the status report dated 10.07.2024 submitted by UPPCB on this matter, with CPCB at the earliest for further necessary action to ensure timely compliance of Hon'ble NGT order.

Yours faithfully,

(Vishal Gandhi)
Scientist-'E', WQM-I Division

Encl: As above

Copy to

1. Regional Officer,
Regional Office,
Uttar Pradesh Pollution Control Board,
2 I.N.S. Sector-16,
Vasundhra,
Post-Prahalad Garhi, Ghaziabad
Uttar Pradesh
Email: roghaziabad@uppcb.in

: For information and necessary
action, please.

(Vishal Gandhi)

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



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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

By Speed Post/E-mail

F. No. CM-13011/217/2024-LAW-HO-CPCB HO/676

05-09-2024

To

Member Secretary,
Uttar Pradesh Pollution Control Board,
Building No. TC-12V
Vibhuti Khand, Gomti Nagar,
Lucknow – 226010
Uttar Pradesh
Email: ms@uppcb.in

Subject: Direction of Hon'ble NGT order dated 07-08-2024 in M.A. No. 46/2024 in O.A No. 18/2023"- reg

Sir,

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Yours faithfully,

(Vishal Gandhi)

Scientist-'E', WQM-I Division

Encl: As above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Reminder I

CM-13011/217/2024-LAW-HO-CPCB-HO 1708

19.11.2024

To,

The Member Secretary
Uttar Pradesh Pollution Control Board
Building No. TC-12V
Vibhuti Khand, Gomti Nagar,
Lucknow – 226010, U.P.

Reference: CPCB letter No. CM-13011/217/2024-LAW-HO-CPCB-HO dated- 05.09.2024**Subject: Direction of Hon'ble NGT order dated 07.08.2024 in M.A. No. 46/2024 in O.A No. 18/2023- reg**

Sir,

Kindly refer to our previous letter of even number dated 05.09.2024 on the subject wherein it was requested to provide an updated status on the subject matter and also to share the status report dated 10.07.2024 submitted by your Board in the matter. This is to inform your kind self that the information sought is still awaited. Therefore, it is again requested to kindly provide the same at earliest.

This may be treated as URGENT

Thanking you

Yours faithfully,

(R. P. Gurung)
Scientist E

Copy to:

✓ Regional Officer, UPPCB, RO, Ghaziabad, for kind information and necessary action, please

R. P. Gurung
(R. P. Gurung) 19/11/24

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट /Website: www.cpcb.nic.in



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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.

Reminder I

CM-13011/217/2024-LAW-HO-CPCB-HO / 708

19.11.2024

To,

The Member Secretary
Uttar Pradesh Pollution Control Board
Building No. TC-12V
Vibhuti Khand, Gomti Nagar,
Lucknow – 226010, U.P.

Reference: CPCB letter No. CM-13011/217/2024-LAW-HO-CPCB-HO dated- 05.09.2024

Subject: Direction of Hon'ble NGT order dated 07.08.2024 in M.A. No. 46/2024 in O.A No. 18/2023- reg

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This may be treated as URGENT

Thanking you

Yours faithfully,

R. P. Gurung
(R. P. Gurung) 19/11/24
Scientist E

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली – 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट /Website: www.cpcb.nic.in



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Annexure-III

क्षेत्रीय कार्यालय-उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद

Regional Office, U.P. Pollution Control Board, Ghaziabad

Website- www.uppcb.com, e-mail:roghaziabad@uppcb.in

संदर्भ संख्या : 761 /NGT-216/OA-18/2023/2024

दिनांक 10/07/2024

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in & ngt.filling@gmail.com

Sub: Action Taken Report on behalf of the UPPCB, in compliance of the order passed by the Hon'ble National Green Tribunal on 29.04.2024 in the matter of MA No. 46/2024 in OA No. 18/2023 Mritunjay Narayan Jha vs State of U.P. & Ors.-reg.

Respected Sir,

With reference to the above-mentioned subject in compliance of Hon'ble National Green Tribunal, order dated 29.04.2024 Mritunjay Narayan Jha vs State of U.P. & Ors. in OA No- MA No. 46/2024 in OA No. 18/2023, action taken report is hereby submitted for kind perusal and necessary action please.

Enclosure: As above.

Yours Sincerely

(Vikas Mishra)
Regional Officer

Copy to:

1. Member Secretary, U.P. Pollution Control Board, Lucknow for information.
2. Chief Environmental Officer, Circle-1, U.P. Pollution Control Board, Lucknow for information.
3. Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
4. Law Officer-I, U.P. Pollution Control Board, Lucknow for information.

Regional Officer

क्षेत्रीय कार्यालय : आई0एन0एस0-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

Action Taken Report on behalf of the UPPCB, in compliance of the order passed by the Hon'ble National Green Tribunal on 29.04.2024 in the matter of MA No. 46/2024 in OA No. 18/2023 Mritunjay Narayan Jha vs State of U.P. & Ors.

1. Background: -

In the matter of MA No. 46/2024 in OA No. 18/2023 Mritunjay Narayan Jha vs State of U.P. & Ors., the Hon'ble NGT has passed order on 29.04.2024. The operative part of the order is reproduced below: -

"..... 1. This MA (46/2024) is registered on the basis of communication dated 01.02.2024 received from Secretary, Nirala Eden Park, GH-05, Ahinsa Khand-II, Indirapuram, Ghaziabad-UP Stating that in spite of lapse of the time after the order of the Tribunal, issue of noise pollution, toxic gases, improper location of STP and sewage pump has not been remediated which is creating health hazard.

2. Tribunal by order dated 22.02.2023 considering this grievance had disposed of the original application with a direction to the State PCB to look into the issue and take necessary remedial measures within two months and to submit action taken report before the Registrar General of the Tribunal. Though, two months period has expired but till now no report has been received. On the contrary, a communication has been received that grievance has not been remediated.

3. Hence, we issue notice to the Member Secretary, UPPCB for filing the action taken report and also submitting the explanation for non-compliance of the order of the Tribunal dated 22.02.2023 passed in OA No.18 of 2023..."

2. Compliance and action taken: -

In compliance to the above direction passed by this Hon'ble NGT vide order dated 29.04.2024, inspection of site in question was carried on 01.06.2024 in presence of representative of Complainant, Sh. Dhirender, Estate Manager, Nirala Eden Park, GH-05, Ahinsa Khand-2, Indirapuram. During visit, representative of group housing society has informed that

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the grievances are against foul smell and noise pollution caused by sewage pumping station situated just adjacent to the boundary wall of said society. On the basis of facts found during visit, are mentioned below-

- (i) During visit it was observed that 02 nos. of main sewage pumping stations having capacity 56 MLD and 48 MLD are established adjacent to boundary wall of said society Nirala Eden Park, GH-05, Ahinsa Khand -2, Indirapuram, Ghaziabad and was reported to be operated by Pvt. agency M/s VA Tech Wabagh Ltd., Chennai. These sewage pumping stations are established for the pumping of sewerage water to existing sewage treatment plant 56 MLD MBR and 56 MLD UASB for treatment.
- (ii) 56 MLD main sewage pumping station is having 06 nos. of pumps of capacity 220 HP each for pumping of sewage coming from nearby areas. It was also found that 02 nos. of DG sets (320 KVA each) with acoustic enclosure are installed but inadequate stack height. These DG sets are also not converted into dual fuel or RECD in compliance of CAQM directions regarding regulation of DG sets in NCR and adjoining areas. During inspection, DG sets was found not operational and reported to be non-operational due to non-availability of diesel. No logbook regarding operation of DG sets was provided.

Photographs taken during inspection is as follows-



- (iii) 48 MLD main sewage pumping station is having 04 nos. of pumps of capacity 200 hp each and 01 nos. of capacity 150 hp for pumping of sewage water coming from nearby areas. It was also found that 02 nos. of DG sets (700 KVA each) without acoustic enclosure and inadequate

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stack height. Both DG sets are very old (manufacturing year 1999 as per in-built specification plate on said DG sets). Further, CPCB has issued The National guidelines for 'in-use generator sets (noise and emissions)', according to which generator sets manufactured on or after 17th May 2002 be scrapped and dismantled after its useful life, i.e., 15 years from the date of manufacturing or 50,000 hours of operation, whichever ever earlier. It was informed by the operator of facility that both DG sets are being used in case of power failure, but no logbook regarding operation of DG sets was provided.

- (iv) At the time of inspection, ambient monitoring in respect to noise level of DG sets installed at 48 MLD sewage pumping station was carried out. As per monitoring report, noise level was observed 96.1 dB (leq.) against 75 dB (leq.) prescribed for DG set under Noise (Pollution & regulation) Rules, 2000, which is beyond the prescribed limit.

Photographs taken during inspection is as follows-



- (v) It was also observed that 03 STP's are established at approx. 350 meters away from said society. These STP's are operational and monitoring of STP's are being carried out by UPPCB on weekly basis regularly, as per analysis reports of samples collected during the month of May 2024, all parameters were found within prescribed norms, copy of same is annexed as **Annexure-1**.
- (vi) Having regard to the facts found during inspection, a letter has been sent to Municipal Commissioner, Ghaziabad by UPPCB vide letter no.

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448/NGT/ 2024, dated 05.06.2024 for providing action plan regarding control of noise pollution as well as odour and take remedial measures in accordance with guideline issued by CPCB, copy of same is annexed as **Annexure-2**.

3. Observations/ Recommendation: -

1. Both DG sets (700 KVA each) installed in 48 MLD sewage pumping station should be phase out in compliance of The National guidelines issued by CPCB for 'in-use generator sets (noise and emissions)', according to which generator sets manufactured on or after 17th May 2002 be scrapped and dismantled after its life, i.e., 15 years from the date of manufacturing or 50,000 hours of operation, which ever earlier.
2. DG sets (320 KVA each) installed in 56 MLD sewage pumping station should be converted in dual fuel (PNG & HSD) or RECD should be installed with adequate stack height in accordance with direction issued by CAQM regarding regulation of DG sets in NCR region.
3. It was observed that due to natural property of sewage, mild foul smell of sewage was found in nearby area of said pumping stations. Hence, Nagar Nigam Ghaziabad should make proper arrangement to control odour in accordance with '**Guidelines on odour pollution & its control**' issued by CPCB.

The above report submitted for kind perusal and necessary action please.

(Anshul Sharma)
A.E.E.

(Vipul Kumar)
A.E.E.

REGIONAL OFFICE
U.P POLLUTION CONTROL BOARD
GHAZIABAD

ANALYSIS REPORT OF INDIRAPURAM STPs

S.No	Name of STP	Date	pH	Color	B.O.D mg/L	C.O.D mg/L	T.S.S mg/L	Total coliform MPN/100 ml	Fecal coliform MPN/100 ml
1.	74 MLD S.B.R STP, Indirapuram, Ghaziabad	02.05.2024	7.36	Colourless	7.0	56.0	8.0	2200	930
		09.05.2024	7.34	Colourless	8.0	58.0	9.0	2500	930
		15.05.2024	7.24	Colourless	9.0	60.0	10.0	5400	930
		30.05.2024	7.15	Colourless	8.0	54.0	8.0	2700	610
2.	56 MLD U.A.S.B STP, Indirapuram, Ghaziabad	02.05.2024	6.92	Colourless	14.0	90.0	22.0	2400	680
		09.05.2024	7.25	Colourless	15.0	92.0	26.0	2200	400
		15.05.2024	7.12	Colourless	16.0	94.0	24.0	2200	680
		30.05.2024	7.56	Turbid	14.0	92.0	20.0	1700	610
3.	56 MLD S.B.R STP Indirapuram, Ghaziabad	02.05.2024	6.84	Colourless	8.0	52.0	9.0	2500	830
		09.05.2024	6.85	Colourless	10.0	64.0	11.0	1200	200
		15.05.2024	6.95	Colourless	14.0	68.0	14.0	2700	930
		30.05.2024	7.39	Colourless	10.0	58.0	10.0	2200	610



JRF



ASO



RO



संदर्भ संख्या : 448/2167/2024

दिनांक 05/06/2024

सेवा मे,

नगर आयुक्त महोदय,
नगर निगम,
गाजियाबाद।

विषय: मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित एम0ए0 संख्या 46/2024 ओ0ए0 संख्या 18/2023 Mritunjay Narayan Jha & Ors. Versus State of U.P. के सम्बन्ध में।

महोदय

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। अवगत कराना है कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली के समक्ष एम0ए0 संख्या 46/2024 ओ0ए0 संख्या 18/2023 योजित की गयी है, जिसमें याचिकाकर्ता द्वारा ग्रुप हाउसिंग सोसायटी निराला ईडन पार्क, जी0एच0-05 अहिंसाखण्ड-2, इन्द्रापुरम, गाजियाबाद के समीप नगर निगम, गाजियाबाद द्वारा संचालित सीवेज पम्पिंग स्टेशन से उत्पन्न दुर्गन्ध व खतरनाक गैसों तथा पम्पिंग स्टेशन के संचालन हेतु स्थापित सीवेज पम्प/जनरेटरों के संचालन से ध्वनि प्रदूषण की शिकायत की गयी है।

उक्त प्रकरण के सम्बन्ध में स्थलीय निरीक्षण इस कार्यालय के प्राधिकृत अधिकारियों द्वारा दिनांक 01.06.2024 को सोसायटी निराला ईडन पार्क के एस्टेट मैनेजर श्री धीरेन्द्र एवं पम्पिंग स्टेशन के आपरेटर श्री दीपक एवं श्री जगदीश की उपस्थिति में किया गया। निरीक्षणोपरान्त निम्नलिखित बिन्दुओं पर सूचनाएँ वॉछित हैं:-

1. निरीक्षण के समय पाया गया कि प्रश्नगत सोसायटी की बाउण्ड्रीवाल से लगी हुई कुल 02 मेन सीवेज पम्पिंग स्टेशन क्षमता क्रमशः 48 एम0एल0डी0 एवं 56 एम0एल0डी0 स्थापित है, जिनका संचालन नगर निगम द्वारा अधिकृत एजेन्सी M/s Va-Tech Wabag Ltd. चैन्नई द्वारा किये जाने से अवगत कराया गया, जिस हेतु निर्गत अनुबन्ध/अनुमति वॉछित है।
2. 56 एम0एल0डी0 के सीवेज पम्पिंग स्टेशन पर 320 के0वी0ए0 क्षमता के 02 कनोपीयुक्त डी0जी0 सेट स्थापित है, जिन पर निर्धारित मानकों के अनुरूप चिमनी स्थापित नहीं पायी गयी तथा उक्त डी0जी0 सेटस को मा0 राष्ट्रीय राजधानी एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग द्वारा जारी निर्देश संख्या-76 के अनुपालन में डयूल फयूल (70%PNG & 30%HSD) अथवा आर0ई0सी0डी0 में परिवर्तित किया जाना आवश्यक है।
3. 48 एम0एल0डी0 के सीवेज पम्पिंग स्टेशन पर 700 के0वी0ए0 क्षमता के 02 पुराने डी0जी0 सेटस स्थापित है, जिन पर ध्वनि रोधी व्यवस्था/पर्याप्त ऊंचाई की चिमनी स्थापित नहीं पायी गयी। यह भी उल्लेखनीय है कि उक्त डी0जी0 सेटस अधिक पुराने होने के कारण केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी दिशा निर्देशों के अनुसार संचालन हेतु अनुमन्य नहीं है।
4. सीवेज पम्पिंग स्टेशन के संचालन के दौरान सीवेज के प्राकृतिक गुणता के कारण दुर्गन्ध की समस्या होना स्वाभाविक है, जिसके सम्बन्ध में दुर्गन्ध नियंत्रण हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी गाइडलाइन के अनुरूप व्यवस्था का विवरण/प्रस्ताव अपेक्षित है।

अतः आपसे अनुरोध है कि उक्त के सम्बन्ध में सीवेज पम्प/जनरेटरों से जनित ध्वनि प्रदूषण एवं दुर्गन्ध के नियंत्रण हेतु आवश्यक कार्यवाही हेतु सम्बन्धित को निर्देशित करने का कष्ट करें एवं कृत कार्यवाही से इस कार्यालय को भी अवगत कराने का कष्ट करें, जिससे कि मा0 अधिकरण द्वारा पारित आदेश दिनांक 29.04.2024 के अनुपालन में संदर्भित प्रकरण पर समय से आख्या प्रस्तुत की जा सके।

भवदीय,

(विकास मिश्र)

क्षेत्रीय अधिकारी

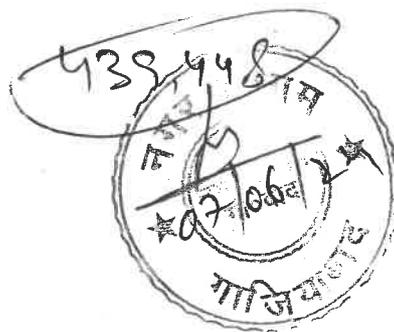
प्रतिलिपि: मुख्य पर्यावरण अधिकारी, वृत्त-1, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनाएँ प्रेषित।

क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई0एन0एस0-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

REGIONAL OFFICE
U.P. Pollution Control Board
Ins-2 Sector-16, Vasundhra
Ghaziabad

① नगल कायुक्त
नगल निगम
दिल्ली



Item No. 20

Court No. 1

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

M.A. No.46/2024

In

Original Application No. 18/2023

Mritunjay Narayan Jha

Applicant

Versus

State of UP

Respondent

Date of hearing: 07.08.2024

**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. Mritunjay Narayan Jha, Applicant in Person

ORDER

1. Applicant had earlier filed O.A. No. 18/2023, by way of letter petition, raising a complaint about the pollution on account of sewerage pumping station situated next to Nirala Eden Park, Ahinsha Khand-II, Indirapuram Ghaziabad and noise pollution on account of operation of the power generators installed in the said sewerage plant. The OA was disposed of by the order dated 22.02.2023 with directed to PCB to look into the issue, take remedial measures and submit action taken report.

2. Present MA has been registered on the basis of the communication received from the complainant. Subsequently, report of the UPPCB dated 10.07.2024 in terms of the directions issued in the OA and MA has been received which discloses the action taken as under:-

“2. Compliance and action taken: -

In compliance to the above direction passed by this Hon'ble NGT vide order dated 29.04.2024, inspection of site in question was carried on 01.06.2024 in presence of representative of Complainant, Sh. Dhirender, Estate Manager, Nirala Eden Park, GH-05, Ahinsa Khand-2, Indirapuram. During visit, representative of group housing society has informed that

the grievances are against foul smell and noise pollution caused by sewage pumping station situated just adjacent to the boundary wall of said society. On the basis of facts found during visit, are mentioned below-

- (i) During visit it was observed that 02 nos. of main sewage pumping stations having capacity 56 MLD and 48 MLD are established adjacent to boundary wall of said society Nirala Eden Park, GH-05, Ahinsa Khand -2, Indirapuram, Ghaziabad and was reported to be operated by Pvt. agency M/s VA Tech Wabagh Ltd., Chennai. These sewage pumping stations are established for the pumping of sewerage water to existing sewage treatment plant 56 MLD MBR and 56 MLD UASB for treatment.*
- (ii) 56 MLD main sewage pumping station is having 06 nos. of pumps of capacity 220 HP each for pumping of sewage coming from nearby areas. It was also found that 02 nos. of DG sets (320 KVA each) with acoustic enclosure are installed but inadequate stack height. These DG sets are also not converted into dual fuel or RECD in compliance of CAQM directions regarding regulation of DG sets in NCR and adjoining areas. During inspection, DG sets was found not operational and reported to be non-operational due to non-availability of diesel. No logbook regarding operation of DG sets was provided.*
- (iii) **48 MLD main sewage pumping station** is having 04 nos. of pumps of capacity 200 hp each and 01 nos. of capacity 150 hp for pumping of sewage water coming from nearby areas. It was also found that 02 nos. of DG sets (700 KVA each) without acoustic enclosure and inadequate stack height. Both DG sets are very old (manufacturing year 1999 as per in-built specification plate on said DG sets). Further, CPCB has issued The National guidelines for 'in-use generator sets (noise and emissions)', according to which generator sets manufactured on or after 17th May 2002 be scrapped and dismantled after its useful life, i.e., 15 years from the date of manufacturing or 50,000 hours of operation, which ever earlier. It was informed by the operator of facility that both DG sets are being used in case of power failure, but no logbook regarding operation of DG sets was provided.*
- (iv) At the time of inspection, ambient monitoring in respect to noise level of DG sets installed at 48 MLD sewage pumping station was carried out. As per monitoring report, noise level was observed 96.1 dB (leq.) against 75 dB (leq.) prescribed for*

DG set under Noise (Pollution & regulation) Rules, 2000, which is beyond the prescribed limit.

- (v) *It was also observed that 03 STP's are established at approx. 350 meters away from said society. These STP's are operational and monitoring of STP's are being carried out by UPPCB on weekly basis regularly, as per analysis reports of samples collected during the month of May 2024, all parameters were found within prescribed norms, copy of same is annexed as **Annexure-1.***
- (vi) *Having regard to the facts found during inspection, a letter has been sent to Municipal Commissioner, Ghaziabad by UPPCB vide letter no. 448/NGT/ 2024, dated 05.06.2024 for providing action plan regarding control of noise pollution as well as odour and take remedial measures in accordance with guideline issued by CPCB, copy of same is annexed as **Annexure-2.**"*

3. The recommendations of the UPPCB is in the report is following:-

- "1. *Both DG sets (700 KVA each) installed in 48 MLD sewage pumping station should be phase out in compliance of The National guidelines issued by CPCB for 'in-use generator sets (noise and emissions)', according to which generator sets manufactured on or after 17th May 2002 be scrapped and dismantled after its life, i.e., 15 years from the date of manufacturing or 50,000 hours of operation, which ever earlier.*
2. *DG sets (320 KVA each) installed in 56 MLD sewage pumping station should be converted in dual fuel (PNG & HSD) or RECD should be installed with adequate stack height in accordance with direction issued by CAQM regarding regulation of DG sets in NCR region.*
3. *It was observed that due to natural property of sewage, mild foul smell of sewage was found in nearby area of said pumping stations. Hence, Nagar Nigam Ghaziabad should make proper arrangement to control odour in accordance with **'Guidelines on odour pollution & its control'** issued by CPCB."*

4. The report reflects that though STP was found to be operational and sample meets the requisite parameters but the remedial measures are required for the odour. The report further mentions about the noise pollution by the DG sets beyond the prescribed limit.

5. In view of the above report, we implead the following as respondents in this MA:-

1. Nagar Nigam, Municipal Corporation Ghaziabad, through its Chairperson
2. Member Secretary, UPPCB
3. Member Secretary, CPCB
4. M/s VA Tech Wabagh Limited, Chennai through its Administrative Head

6. Applicant is directed to serve the above respondents and file affidavit of service at least one week before the next date of hearing.

7. List on 19.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2024
M.A. No.46/2024 In
Original Application No. 18/2023
SN

Item No. 13

Court No. 1

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

M.A. No. 46/2024

In

Original Application No. 18/2023

Mritunjay Narayan Jha

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 19.11.2024

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

Respondent: Mr. Bhanwar Pal Singh Jadon, Adv. for UPPCB
Mr. Vibhav Mishra, Adv. for Ghaziabad Nagar Nigam
Mr. Atif Suhrawardy, Adv. for CPCB (Through VC)
Mr. Neeraj Kumar & Ms. Meenakshi Jha, Adv. for VA Tech Wabag Ltd.
(Through VC)

ORDER

1. Replies on behalf of UPPCB and VA Tech Wabag Ltd. have been received.
2. Learned Counsel for CPCB, UPPCB and Ghaziabad Nagar Nigam seek three weeks' time to file the reply.
3. Learned Counsel for Ghaziabad Nagar Nigam has submitted that one of the STP is monitored by UP Jal Nigam and the other is monitored by Ghaziabad Nagar Nigam but maintained by Ghaziabad Water Solutions Pvt Ltd. Therefore, these two agencies are also necessary parties in these proceedings. Accepting the above request, the following are impleaded as additional respondents.

Respondent no.5- Managing Director, UP Jal Nigam;

Respondent no.6- Administrative Head, Ghaziabad Water Solutions Pvt. Ltd., Wabag House, 3rd Floor No. 17, 200 ft., Thoraipakkam-Pallavaram Main Road, Sunnambu Kolathur, Chennai-600117.

4. Let notice be issued to the above respondents for filing their response by way of affidavit atleast one week before the next date of hearing.

5. List on 10.03.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

November 19, 2024
M.A. No. 46/2024
In Original Application No. 18/2023
JG..