

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1152 OF 2024**

In the matter of:

Sudhir Kumar Jha

Applicant

Vs.

Central Pollution Control Board & Ors.

Respondents

Index

Sr. No.	Particulars	Page No.
1.	Reply on behalf of Respondent no. 1 Central Pollution Control Board in compliance to Hon'ble NGT order dated 12.09.2024 in O.A. 1152/2024.	
2.	Annexure- I A copy of letter dated 29.07.2024 issue by CPCB to UPPCB.	
3.	Annexure- II A copy of letter dated 24.10.2024 issue by CPCB to UPPCB.	
4.	Annexure- III A copy of reminder email dated 14.11.2024.	
5.	Annexure- IV A copy of Hon'ble NGT order dated 12.09.2024 in O.A No. 1152 of 2024	

Srinivas Vishven

**Filed by Adv. Srinivas Vishven
On behalf of Central Pollution Control Board**

**Place: Delhi
Dated:02.01.2025**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
ORIGINAL APPLICATION NO. 1152 OF 2024**

In the matter of:

Sudhir Kumar Jha

Applicant

Vs.

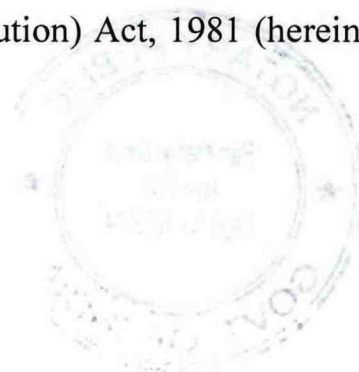
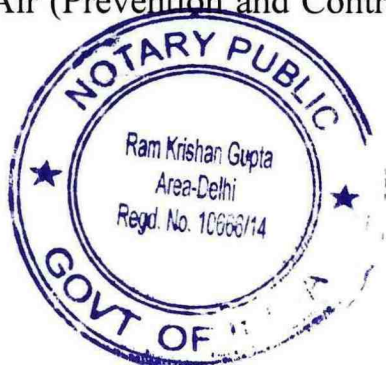
Central Pollution Control Board & Ors.

Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 1 CENTRAL
POLLUTION CONTROL BOARD**

PRELIMINARY SUBMISSIONS

1. That Hon'ble National Green Tribunal (hereinafter referred to as the "**Hon'ble Tribunal**"), vide its order dated 12.09.2024, directed the Central Pollution Control Board (hereinafter referred to as "**CPCB**" or the "**Answering Respondent**") to file its reply to the allegations raised in the instant Original Application.
2. That CPCB is a statutory body established under Section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter "**The Water Act**"), entrusted with regulatory and advisory functions to prevent and control pollution. It functions under the statutory framework of The Water Act, The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter

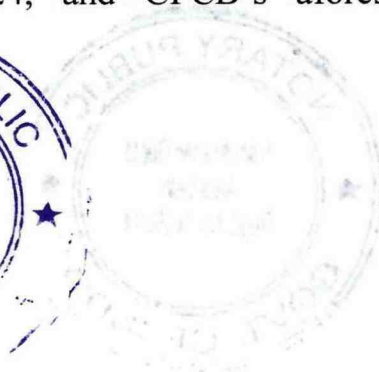
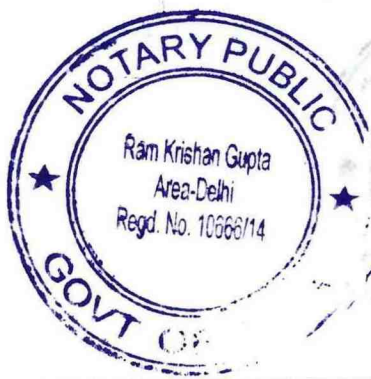


"**The Air Act** "), and The Environment (Protection) Act, 1986 (hereinafter "**The EP Act**").

3. That, SPCBs /PCCs have been established in the states / UTs under the Water Act and Air Act to perform the functions and implement the provision under these acts in respect of areas under their territorial jurisdiction, and have been empowered to grant Consent to Establish and Consent to Operate.
4. That the present Original Application pertains to allegations of severe air pollution caused by M/s Ankur Udyog Limited (Respondent No. 2) located in the GIDA Industrial Area, Gorakhpur, Uttar Pradesh, and the resultant health and environmental impacts on the surrounding 12 villages.
5. That it is respectfully submitted that, as per the provisions of The Water Act and The Air Act, the Uttar Pradesh Pollution Control Board (hereinafter "**UPPCB**") is the designated authority with jurisdiction over the region to address compliance, enforcement, and monitoring of environmental norms.
6. That CPCB has acted upon receiving the Applicant's complaint by forwarding it to UPPCB through its letter dated 29.07.2024 for addressing the grievances raised by the applicant. However, response to same from UPPCB is still awaited.



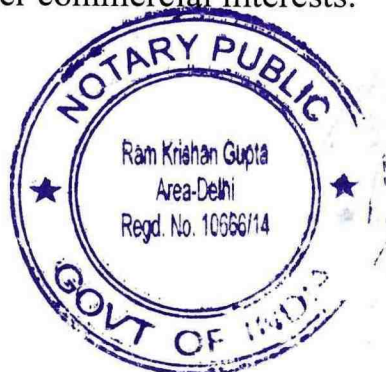
7. That the Answering Respondent humbly reserves the right to supplement or modify its submissions in light of any further developments or as directed by the Hon'ble Tribunal.
8. That, no comments are offered by this answering respondent over the averments made in Para 1 of the OA being introductory in nature.
9. That, no comments are offered by this answering respondent over the averments made in Para 2 of the OA wherein the introductory description of the activities undertaken by Respondent No. 2, M/s Ankur Udyog Limited have been outlined by the applicant.
10. That Para 3 of the O.A. relates to the allegations of emissions from chimneys of Respondent No. 2, including black smoke and particulate matter, thereby causing environmental degradation and health hazards to nearby residents. In this regard, it is humbly submitted that, CPCB forwarded the complaint of applicant received by CPCB, to UPPCB through its letter dated 29.07.2024 (bearing reference number PI-14/25-IPC-II-HO-CPCB-HO/827). A copy of this communication is annexed herewith as **Annexure I**. The status of action taken in this regard by UP PCB is awaited.
11. That Paras 4 to 7 of the OA provides for Applicant's letters dated 16.02.2024 and 10.05.2024, and CPCB's aforesaid response dated



29.07.2024. It is respectfully submitted that CPCB forwarded the Applicant's complaint to UPPCB, the regulatory authority, for appropriate action. Further, CPCB also issued follow-up letter on 24.10.2024, after receipt of notice from Hon'ble NGT in the instant matter. An Action Taken Report (ATR) / Status Report in the subject matter was also asked vide the said letter dated 24.10.2024. Additionally, a reminder communication via e-mail was sent on 14.11.2024 to UPPCB, emphasizing the urgency of the matter. Copies of these communications are annexed as **Annexures II and III**. The status of action taken in this regard by UP PCB is awaited.

12. That in Para 8 of the OA the applicant has referred to the principle of sustainable development, emphasizing that development should not compromise the public health. In this regard, the Answering Respondent herein humbly submits that Central Government has made it mandatory to obtain prior environmental clearance for iron & steel plants. Emission standards have also been notified for such plants under the Environment (Protection) Rules 1986.

13. That, no comments are offered by the answering respondent herein over the averments made at Para 9 of the OA being matter of records. However, it is humbly submitted that the Answering respondent, herein, agrees the principle that environmental protection and public health must take precedence over commercial interests.



14. That no comments are offered by the answering respondent herein over the averments made at Para 10 & 11 of the OA wherein the Applicant has prayed for intervention by the Hon'ble Tribunal in the instant matter.
15. That with respect to para 12 of the OA wherein grounds have been entered by the applicant for filing of instant original application, it is humbly submitted that the submissions made at preceding paragraphs are re-iterated and are not repeated herein for the sake of brevity.
16. That, no comments are offered over the averments made in Para 13 & Para 14 of the OA being limitation clause and prayer of applicant to the Hon'ble Tribunal.
17. That, in light of the above submissions, it is respectfully submitted that the Answering Respondent shall abide by any order(s) and/or direction(s) passed by the Hon'ble Tribunal in the instant case.




(Nazimddin)
Scientist- 'F'
Central Pollution Control Board



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ORIGINAL APPLICATION NO. 1152 OF 2024**

In the matter of:

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Vs.

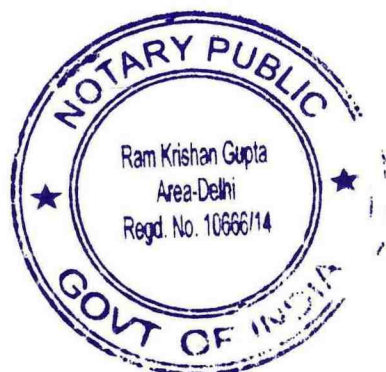
Central Pollution Control Board & Ors.

Respondents

AFFIDAVIT

I, **Nazimuddin** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 1 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.
2. That the accompanying reply may be read part and parcel of the present 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.

DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o 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 New Delhi on this day of - 2 JAN 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 therefrom or mis- stated.



ATTESTED

[Signature]
NOTARY
DELHI (INDIA)

- 2 JAN 2025

DEPONENT

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



ANNEXURE A-3

94

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

PI-14/25/2021-IPC-II-HO-CPCB-HO 827

29/07/2024

सेवामें,
सदस्य सचिव,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
पिकअप भवन, तीसरी मंजिल, बी-ब्लॉक,
विभूति खंड, गोमती नगर, लखनऊ - 226 010.

विषय: मेसर्स अंकुर उद्योग लिमिटेड प्लांट द्वारा प्रदूषण फैलाने के खिलाफ शिकायत के संदर्भ में।

महोदय,

कृपया इस पत्र के साथ संलग्न श्री सुधीर कुमार झा, आवास : सिविल लाइंस, गोलघर, गोरखपुर, उत्तर प्रदेश से प्राप्त शिकायत पत्र दिनांक 10/05/2024 का संदर्भ ग्रहण करें, जो कि एएल-2, सेक्टर-23, गीड़ा, सहजनवा, गोरखपुर, उत्तर प्रदेश में स्थित मेसर्स अंकुर उद्योग लिमिटेड प्लांट के चिमनी से काली राख, विषैली धुआं एवं रासायनिक पदार्थ के कारण स्थानीय निवासी और पेड़ पोधे को होने वाला समस्या से संबंधित है।

उक्त शिकायत पत्र इस अनुरोध के साथ प्रेषित है कि इस संबंध में उचित कार्यवाही करने तथा कूल कार्यवाही से शिकायतकर्ता और इस कार्यालय को अवगत कराने का कष्ट करें।

भवदीय,

नाज़िम उद्दीन

प्रभागीय प्रमुख, आई.पी.सी-II

संलग्न : उपरोक्तानुसार

✓ प्रतिलिपि:

श्री सुधीर कुमार झा, आवास : सिविल लाइंस, गोलघर, गोरखपुर, उत्तर प्रदेश - 273001 : सूचनार्थ

'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



Speed Post/ Email

CM-13011/269/2024-LAW-HO-CPCB-HO

Date: 24.10.2024

To

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

Sub: Compliance of Hon'ble NGT-PB order dated 12.09.2024 and notice dated 14.10.2024 in O.A.
No. 1152/2024

Sir,

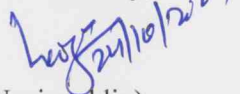
In this Original Application, the applicant has made complaint of causing air pollution against Respondent No. 2 M/s Ankur Udyog Limited, a 3 lakh TPA capacity of steel plant with a captive power plant of 30 MW, in GIDA Industrial Area, Gorakhpur. The complaint is on behalf of residents of 12 villages in the vicinity of the industry to the effect that the black ashes and smoke from the chimney of the industry are causing severe air pollution and resulting in health hazards to the residents.

An earlier complaint dated 10.05.2024 of the applicant was forwarded by CPCB to UPPCB vide letter dated PI-14/25/2021-IPC-II-HO/827 dated 29.07.2024 (enclosed) for taking appropriate action on the problems caused to local residents and plants due to pollution being caused from the chimney of M/s Ankur Udyog Ltd, which is also mentioned and attached to this O.A.

Hon'ble NGT-PB has issued notice to CPCB, UPPCB, Gorakhpur Industrial Development Authority, State of Uttar Pradesh and Ankur Udyog Limited, as respondent for filing the response by way of affidavit and listed the matter for next hearing on 03.01.2025.

You are requested to provide ATR/status report in this regard, at the earliest, preferably within 15 days.

Yours faithfully,


(Nazimuddin)

Director & Divisional Head-IPC-II

Copy to:

1. The Regional Director, Central Pollution Control Board,
PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow - 226010

Fwd: Compliance of Hon'ble NGT-PB order dated 12.09.2024 and notice dated 14.10.2024 in O.A. No. 1152/2024**ME**

Me <vkupadhyay.cpcb@gov.in>

Thu, 14 Nov 2024 2:26:33 PM +0530

To "ms" <ms@uppcb.in>

Cc "CPCB LUCKNOW" <rdlucknow.cpcb@gov.in>, "Nazim Uddin" <nazim.cpcb@nic.in>, "Puneet Tyagi" <puneettyagi.cpcb@gov.in>

Email – Reminder

To

The Member Secretary,

Uttar Pradesh Pollution Control Board,
Building No. TC-12V Vibhuti Khand,
Gomti Nagar Lucknow-226010**Sub:** Compliance of Hon'ble NGT-PB order dated 12.09.2024 and notice dated 14.10.2024 in O.A. No. 1152/2024.**Ref:** CPCB letter No. CM-13011/269/2024-LAW-HO-CPCB-HO, dated 24.10.2024.

Sir,

This has reference to the above mentioned letter and trailing e-mail dated 24.10.2024, wherein it is requested to provide a status report/ATR in the matter. The same is still awaited.

It is requested to provide ATR/status report in this regard, at the earliest.

Yours faithfully,

(Nazimuddin)
Director & Divisional Head-IPC-II

Copy to:

1. The Regional Director, Central Pollution Control Board,

PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow – 226010

===== Forwarded message =====

From: Puneet Tyagi <puneettyagi.cpcb@gov.in>

181

To: "ms" <ms@uppcb.in>

Cc: "Nazim uddin" <nazim.cpcb@nic.in>, "CPCB RD LUCKNOW" <rdlucknow.cpcb@gov.in>, "VINAY UPADHYAY" <vkupadhyay.cpcb@gov.in>

Date: Thu, 24 Oct 2024 19:34:43 +0530

Subject: Compliance of Hon'ble NGT-PB order dated 12.09.2024 and notice dated 14.10.2024 in O.A. No. 1152/2024

==== Forwarded message =====



4 Attachment(s) • [Download as Zip](#) • [Add To](#) >



NGT order dated 12.09.2024...pdf

88.1 KB •



Original Application No. 115... .pdf

5.8 MB •



CPCB Letter dated 24.10.20... .pdf

302.6 KB •



NGT Notice dated 14.10.202... .pdf

92.9 KB •

Item No.02

Court No. 1

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

Original Application No. 1152/2024

Sudhir Kumar Jha

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 12.09.2024

**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: Ms. Rupali Panwar & Mr. Vishal Arun Mishra, Advs.

ORDER

1. In this original application, the applicant has made an allegation of causing air pollution against Respondent No. 2, an integrated steel plant of 3 lakh TPA and Captive Power Plant of 30 MW capacity in GIDA Industrial Area, Gorakhpur. The complaint is on behalf of residents of 12 villages in the vicinity of the industry to the effect that the black ashes and smoke from the chimney of the industry are causing severe air pollution and resulting in health hazards to the residents.

2. Learned Counsel for the applicant during the course of the argument has referred to the complaints made to the different authorities and also relied upon annexure A-3, communication dated 29.07.2024, sent by the CPCB to the Member Secretary, UPPCB for considering the grievance of the applicant.

3. Submission of the Learned Counsel for the applicant is that the grievance of the applicant has not been redressed. She has also relied

upon the photographs filed as Annexure A-4 Colly support of the submission that the smoke and black ashes emitting from Respondent no. 2 industry are affecting the residents.

4. O.A. raises substantial issues relating to compliance of the environmental norms.

5. Issue notice to the respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal. Applicant is directed to serve the respondents and file the affidavit of service at least one week before the next date of hearing.

6. List on 03.01.2025

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 12, 2024
O.A. No. 1152/2024
HB..