BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 592/2024

In the matter of:

News item titled "Sonbhadra फाइलो में सिमटा यू पी पी सी बी का वायु प्रदुषण नियंत्रण, जाने पूरा मामला" appearing in newstrack .com dated 24.03.2024

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1.	**Reply on behalf of Respondent No. 3, Central Pollution Control Board (CPCB)** in Original Application No. 592/2024 titled as News item titled "Sonbhadra फाइलो में सिमटा यू पी पी सी बी का वायु प्रदुषण नियंत्रण, जाने पूरा मामला" appearing in newstrack.com dated 24.03.2024, in compliance to Hon'ble NGT order dated 22.05.2024 .	
2.	**Annexure -1** Letter to Uttar Pradesh Pollution Control Board regarding Hon'ble NGT order dated 22.05.2024.	
3.	**Annexure -2** Hon'ble NGT order dated 22.05.2024	

(Nazimuddin)
Scientist 'F'
Central Pollution Control Board

Date: 10.07.2024
Place: Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 592/2024

IN THE MATTER OF:-

News item titled "Sonbhadra फाइलो में सिमटा यू पी पी सी बी का वायु प्रदुषण नियंत्रण, जाने पूरा मामला" appearing in newstrack .com dated 24.03.2024

REPLY ON BEHALF OF RESPONDENT NO. 3, CENTRAL POLLUTION CONTROL BOARD

1. That, Hon'ble NGT vide order dated 22.05.2024 and advance notice dated 04.06.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board 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, The Air (Prevention and control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
3. That Hon'ble NGT (PB) in the order dated 22.05.2024 in this matters has observed that the news item is about notices issued by the Uttar Pradesh Pollution Control Board (hereinafter referred as UPPCB) to nine mines pursuant to

NOTARY PUBLIC
R.L. Chaudhary
N.C.T. of Delhi
Regd. No. 1513
GOVT. OF INDIA

an order passed by this Hon'ble Tribunal dated 17.10.2023 in the matter of Original Application (hereinafter referred as OA NO.) 176/2022 and directed to list this matter along with O.A. No. 176 of 2022 on 11.07.2024

4. That news item pertained to UPPCB and therefore UPPCB has been made Respondent no. 2 in this matter and expected to file response. CPCB also requested UPPCB vide letter dated 13.06.2024 as annexed **Annexure – I** to provide copy of their report in this matter however the same is still awaited.

5. That CPCB has been filing compliance report in O.A. No. 176 of 2022 in compliance of direction to CPCB in order dated 30.05.2023, and CPCB is separately filing further compliance report in compliance of order dated 21.03.2024 in that matter.

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

That in light of the above submission, 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 tribunal in the instant OA.

Nazimuddin
Scientist 'F'
Central Pollution Control Board

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 592/2024

IN THE MATTER OF:-

News item titled "Sonbhadra फाइलो में सिमटा यू पी पी सी बी का वायु प्रदुषण नियंत्रण, जाने पूरा मामला" appearing in newstrack .com dated 24.03.2024

AFFIDAVIT

I, Nazimuddin, working as 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:-

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

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 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.

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R.L. Chaudhary
N.C.T. of Delhi
Regd. No. 1513
GOVT. OF INDIA

DEPONENT

नाजिमउद्दीन / 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

10 JUL 2024

Verified at New Delhi on this day of _____ 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

10 JUL 2024

Verified at New Delhi on this the..... Day of _____ 2024

ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA

10 JUL 2024

DEPONENT

नाजिमउद्दीन / 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-I

स्पीड पोस्ट / ई-मेल

क्र. CPCB/Mining/CM-13011/161/2024/ 481

13 जून 2024

सेवा में,

सदस्य सचिव,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
तीसरी मंजिल, पिकअप भवन,
विभूति खंड, गोमती नगर,
लखनऊ, **उत्तर प्रदेश** (226010)

विषय: माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा योजित ओ.ए. क्र 592/2024 में पारित आदेश दिनाँक: 22.05.2024 के संदर्भ में |

महोदय,

कृपया इस पत्र के साथ संलग्न माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली के ओ.ए. क्र 592/2024 में पारित प्रथम आदेश दिनाँक: 22.05.2024 एवं संबंधित ओ.ए. एवं नोटिस (संलग्न) का संदर्भ ग्रहण करने का कष्ट करे | उक्त आदेश द्वारा चार प्रतिवादी बनाये गये है एवं इस ओ.ए. की अग्रिम सुनवाई दिनाँक-11.07.2024 को ओ.ए. क्र 176/2022 के साथ नियत की गयी है |

चूंकि उपरोक्त मामला उत्तर प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड से संबंधित है और समाचार में उल्लिखित प्रकरण पर ओ.ए. क्र 176/2022 में राज्य प्रदूषण नियंत्रण बोर्ड द्वारा पूर्व में रिपोर्ट दाख़िल की गयी है, अंत: अनुरोध है कि **ओ.ए. क्र 592/2024** के आदेश दिनाँक:22.05.2024 के संदर्भ में राज्य बोर्ड की आख्या की प्रति अतिशीघ्र उपलब्ध कराने का कष्ट करे |

भवदीय,

13/6/2024

(नाज़िमउद्दीन)
वैज्ञानिक – 'एफ' एवं
प्रभागीय प्रमुख, आई.पी.सी-II

संलग्नक: उपरोक्तानुसार

प्रतिलिपि:

क्षेत्रीय निदेशक (लखनऊ),
केंद्रीय प्रदूषण नियंत्रण बोर्ड (क्षेत्रीय निदेशालय)
पिकप भवन, विभूतिखंड, गोमती नगर,
लखनऊ, **उत्तर प्रदेश** (226010)

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत 11 SCM 9/1
दिनांक 14/6/2024

O/C
IPC-II

Item No.06 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 592/2024

News Item titled "Sonbhadra फाइलों में सिमटा यूपीपीसीबी का वायु प्रदूषण नियंत्रण, जानें पूरा मामला" appearing in newstrack.com dated 24.03.2024

Date of hearing: 22.05.2024

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

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Sonbhadra फाइलों में सिमटा यूपीपीसीबी का वायु प्रदूषण नियंत्रण, जानें पूरा मामला" appearing in newstrack.com dated 24.03.2024

2. The matter relates to ineffectiveness of a regulation pertaining to air pollution passed by the Uttar Pradesh Pollution Control Board. As per the article, pursuant to an order passed by this Hon'ble Tribunal dated 17.10.2023 in the matter of OA NO. 176/2022, the Uttar Pradesh Pollution Control Board (UPPCB) issued a notice shutting down the nine (9) mines with immediate effect. The notice was issued citing violation of section 25 of The Water (Prevention and Control of Pollution) Act, 1974 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981. The article highlights the ignorance of the notice served by the UPPCB by the Regional Pollution Control Officer. The article states that the notice issued by the UPPCB did not follow the most suitable path of implementation because the authorities responsible to implement the order are still waiting for the directions to be issued by the UPPCB.

3. The news item indicates violation of the provisions of the Environment Protection Act, 1986, The Water (Prevention and Control of Pollution) Acı, 1974, and Air (Prevention and Control of Pollution) Act.

4. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

5. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of *"Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors." reported in 2021 SCC Online SC 897*.

6. Hence, we implead the following as respondents in the matter:

(i). Ministry of Environment, Forest and Climate Change Regional Office Lucknow, Through its Deputy Director General Integrated Regional Office Kendriya Bhawan, 5th Floor, Sector 'H' Aliganj, Lucknow - 226020.

(ii). Uttar Pradesh Pollution Control Board, Through its Member Secretary BuildingNo. TC-12V Vibhuti Khand, Gomti Nagar Lucknow-226 010

(iii). Central Pollution Control Board, Through its Member Secretary Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

(iv). District Magistrate, Sonbhadra DM Office, Lodhi Sonbhadra-231216 Uttar Pradesh, India.

7. Let notice be issued to the above respondents.

8. Same issue is pending before the Tribunal in O.A. No. 176/2022. Hence, the office is directed to list this O.A. along with O.A. No. 176/2022 on 11.07.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 22, 2024
O.A. No. 592/2024
HB