



5.	<b>COPY OF NOC ATTACHED HEREWITH AS ANNEXURE A-4</b>	
6.	<b>COPY OF THE JUDGEMENT DT. 23.09.2013 ATTACHED HEREWITH AS ANNEXURE A-5</b>	
7.	<b>COPY OF THE NOISE MONITORING REPORT ATTACHED HEREWITH AS ANNEXURE A-6</b>	
8.	<b>COPY OF LETTER DT. 27.09.2024 ATTACHED HEREWITH AS ANNEXURE A-7</b>	
9.	<b>COPY OF REPORT DT. 01.10.2024 ATTACHED HEREWITH AS ANNEXURE A-8</b>	
10.	<b>COPY OF LETTER DT. 07.10.2024 ATTACHED HEREWITH AS ANNEXURE A-9</b>	

**THROUGH COUNSEL**



**BHANWAR PAL SINGH JADON**

**STANDING COUNSEL FOR STATE OF U.P.**

EMAIL- [bhanwar09jadon@gmail.com](mailto:bhanwar09jadon@gmail.com)

**DATE:** 25.02.2025

**PLACE:** Bulandshahr

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

MA No. 155/2024

&

MA No. 01/2025

IN

ORIGINAL APPLICATION NO. 802/2024



IN THE MATTER OF:

DEEPAM GARG ALIAS DURGA & ORS.

.....APPLICANT(s)

VERSUS

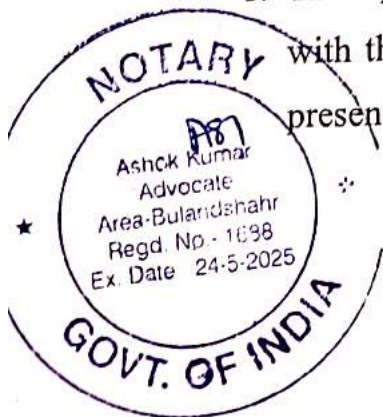
STATE OF U.P. & OTHERS

.....RESPONDENT(s)

REPLY ON BEHALF OF RESPONDENT NO.2 IN COMPLIANCE OF  
THE ORDER DT. 21.01.2025 PASSED BY THE HON'BLE NATIONAL  
GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

I, Ashutosh Singh s/o Keshaw Bhan Singh aged about 35..... R/o  
4/15, DM Colony Bulandshahr..... presently posted as Deputy Commissioner  
of Industries Promotion and Entrepreneurship Development Centre, Bulandshahr  
, do hereby solemnly affirm and state on oath as under:

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



✓

2. That I state that the contents of the reply 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.

3. That in the present matter an original application was filed, wherein the applicant had complaint about running of industrial unit of fabrication of steel almirahs, bed boxes etc., in residential area by the Project Proponent in violation of environmental norms.

4. That the abovementioned OA was disposed of by this Hon'ble Tribunal vide order dt. 22.08.2024. The relevant portion of the order is reproduced as under:

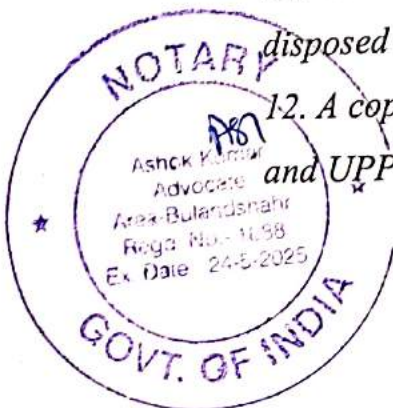
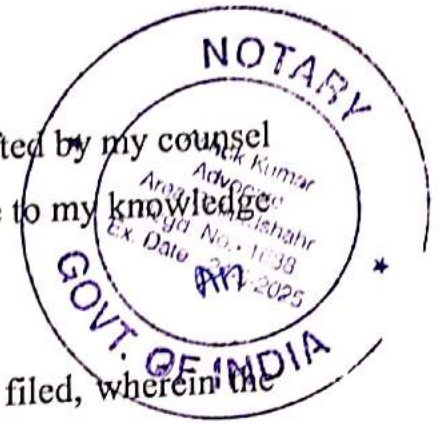
*"8. Accordingly, we constitute a Joint Committee comprising District Magistrate, Bulandshahr and Uttar Pradesh Pollution Control Board.*

*9. Said Committee shall collect relevant information and after examination of factual details shall find out whether the activities of alleged violator comes within the purview of Air Act, 1981 and if so whether there is any violation of provisions of the Air Act, 1981 and if they find any violation thereof, would take appropriate preventive, punitive, prohibitive and remedial action in accordance with law against the violator within two months.*

*10. A Compliance Report shall be submitted with Registrar General of this Tribunal within two months who if finds necessary that any further order is required, shall place the matter before the Bench.*

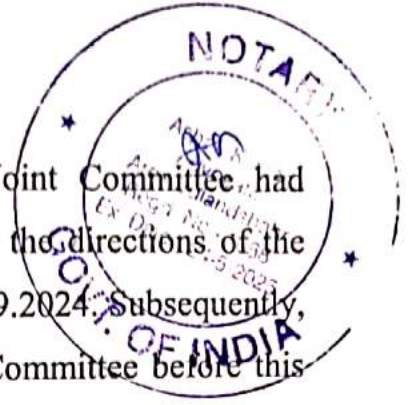
*11. With the above observations/directions this Original Application is disposed of.*

*12. A copy of this order be forwarded to District Magistrate, Bulandshahr and UPPCB by e-mail for compliance".*



✓

Ⓟ



5. That in compliance aforementioned order, the Joint Committee had inspected the site in question on 26.09.2024 upon the directions of the District Magistrate, Bulandshahr vide letter dt. 11.09.2024. Subsequently, a report was further filed by the Joint Committee before this Hon'ble Tribunal.

A Copy of the directions dt. 11.09.2024 has been attached herewith as ANNEXURE A-1.

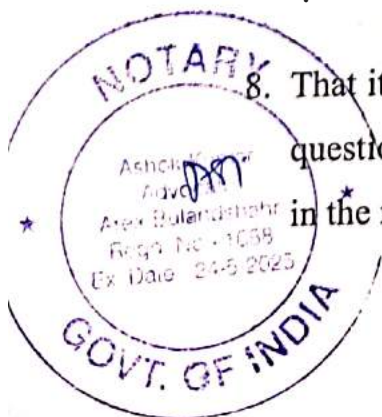
A Copy of the Joint Committee Report dt. 17.10.2024 has been attached herewith as ANNEXURE A-2.

6. That the above captioned matter was last listed for hearing on 21.01.2025, wherein a Miscellaneous Application has been filed by Suman Sharma (herein referred to as the "Project Proponent") for allowing the unit to run from the subject land and to de-seal the manual moulding machine and mini sprayer at the subject land i.e. rear portion of her house.

7. That it is to be noted that a letter of comfort was issued by the Deputy Commissioner of Industries, District Industries Promotion and Entrepreneurship Development Center, Bulandshahr on 17.04.2018 to the Project Proponent. That pursuant to the said letter, an NOC dt. 18.04.2024 was issued by the District Industries Promotion and Entrepreneurship Development Center, Bulandshahr.

A Copy of the letter of comfort dt. 17.04.2018 and NOC has been attached herewith as ANNEXURE A-3 AND A-4

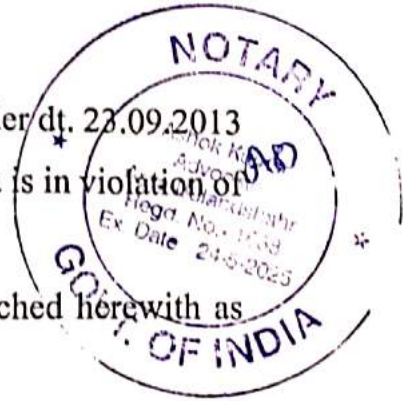
8. That it is to be submitted that as per the said inspection report, the unit is question was operating in a residential area. That Hon'ble Supreme Court in the matter of M/s Manoj Mini Rice Mill And Vs. State of U.P. & Ors in



✓

the Special Leave Petition (Civil) no. 4925/2011 vide order dt. 23.09.2013 directed that the operation of any unit in a residential area is in violation of the provisions of the environmental laws.

A Copy of the Judgement dt. 23.09.2013 has been attached herewith as **ANNEXURE A-5.**



9. That a Noise Monitoring Report dt. 26.09.2024 was also submitted with the aforementioned Joint Committee Report, according to which the intensity of the sound generated by the said unit was more than permissible standards for noise pollution. That the Joint Committee also noted that the spraying machine in the said unit was causing air pollution.

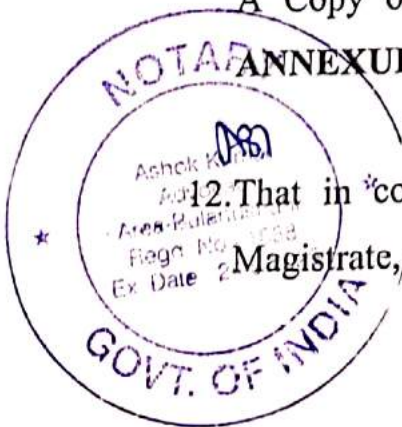
A Copy of the Noise Monitoring Report has been attached herewith as **ANNEXURE A-6.**

10. Therefore, it is pertinent to mention that the aforesaid Joint Committee Report henceforth confirms that the manufacturing activities carried out by the Project Proponent in the residential area were causing air and noise pollution.

11. That in accordance with the aforementioned violations of the said unit, the District Magistrate had issued directions dated 27.09.2024 to seal the said unit and cancel the NOC issued by Deputy Commissioner of Industries, District Industries Promotion and Entrepreneurship Development Center, Bulandshahr provided to the said unit.

A Copy of the letter dt. 27.09.2024 has been attached herewith as **ANNEXURE A-7.**

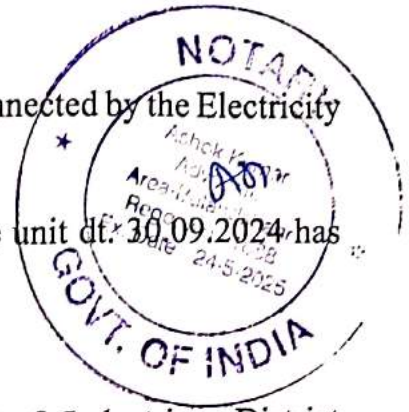
12. That in compliance of the aforementioned directions of the District Magistrate, Bulandshahr, the said unit in question was sealed on



—

30.09.2024. That the power supply was also disconnected by the Electricity Distribution Section, Debai.

A Copy of the report regarding the sealing of the unit dt. 30.09.2024 has been attached herewith as ANNEXURE A-8.



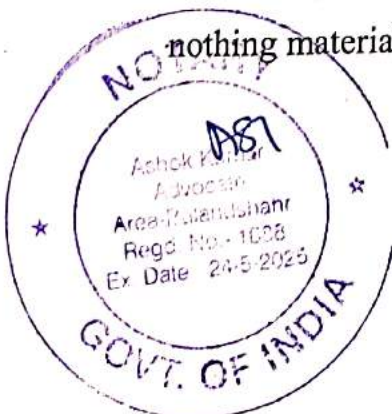
13. That subsequently, the Deputy Commissioner of Industries, District Industries Promotion and Entrepreneurship Development Center, Bulandshahr has written a letter dt. 07.10.2024 to the Project Proponent. That vide the said letter, the No Objection Certificate issued to the Project Proponent was cancelled with immediate effect. As a result, the No Objection Certificate previously issued to the establishment has been revoked following its sealing.

A Copy of the letter dt. 07.10.2024 has been attached herewith as ANNEXURE A-9.

14. That it is germane to mention, that the Uttar Pradesh Pollution Control Board, Bulandshahr is the competent authority to examine and determine the environmental impact of activities conducted at the said site.

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

16. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.



DEPONENT



पत्रांक: 605/06-263/24

दिनांक: 11/09/24

कार्यालय आदेश

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में श्री दीपम गर्ग उर्फ दुर्गा एवं अन्य, निवासी-मौहल्ला चौबेलापेंच, वार्ड नं0-13, राजेन्द्र पब्लिक स्कूल, पुराना गेट, डिबाई, जनपद बुलन्दशहर के घर के सामने श्री राजेश कुमार पुत्र श्री जयशंकर प्रसाद का आवासीय घर है। श्री राजेश कुमार द्वारा आवासीय घर के पिछले हिस्से में स्टील अलमारी, बेड एवं बॉक्स का निर्माण किये जाने वाले वायु एवं ध्वनि प्रदूषण से स्थानीय निवासियों के स्वास्थ्य को नुकसान होने एवं स्प्रे पेन्टिंग गतिविधि किये जाने से पर्यावरण को नुकसान होने सम्बन्धी शिकायत की गई है। तत्कम में ओ0ए0 नं0-802/2024 दीपम गर्ग उर्फ दुर्गा व अन्य बनाम स्टेट ऑफ यू0पी0 के अन्तर्गत मा0 राष्ट्रीय हरित अधिकरण द्वारा दिनांक 22.08.2024 को संयुक्त समिति के माध्यम से शिकायत के संदर्भ में नियमानुसार उपचारात्मक कार्यवाही किये जाने के आदेशों के अनुपालन में निम्न अधिकारियों की समिति का गठन किया जाता है:-

1. उप जिलाधिकारी, डिबाई, जनपद बुलन्दशहर।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर।

उक्त समिति मा0 राष्ट्रीय हरित अधिकरण द्वारा जारी आदेशों के अनुपालन में प्रश्नगत प्रकरण की पर्यावरणीय अधिनियमों के अनुपालन की जाँच करते हुये नियमानुसार यथाआवश्यक कार्यवाही करते हुये आख्या अधोहस्ताक्षरी को एक सप्ताह के अन्दर प्रस्तुत किया जाना सुनिश्चित करें, जिससे कि ससमय कार्यवाही की आख्या मा0 राष्ट्रीय हरित अधिकरण को प्रस्तुत की जा सके।

(वन्द प्रकाश सिंह)  
जिलाधिकारी  
बुलन्दशहर

पृष्ठांकन सं0-

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

दिनांक:-

1. अपर जिलाधिकारी (वि0/रा0), बुलन्दशहर।
2. सम्बन्धित अधिकारियों को अनुपालनार्थ।

11.9.24  
जिलाधिकारी  
बुलन्दशहर

**In compliance of Hon'ble Nation Green Tribunal orders dated 22-08-2024 in O.A. No. 802/2024 Deepam Garg Urf Durga and Ors. V/s State of Uttar Pradesh**

**Status/Action Taken Report**

The Hon'ble NGT passed an order dated 22-08-2024 in O.A. No. 802/2024 Deepam Garg Urf Durga and Ors. V/s State of Uttar Pradesh, the operative portion reads as under:

- "...7. However, since the matter required investigation into facts, we find it appropriate to direct District Administration and Statutory Regulator to look into the matter, collect relevant information and if finds applicability of Air Act, 1981 in the case in hand and any violation thereof, to take appropriate remedial preventive and prohibitive action in accordance with law.*
8. *Accordingly, we constitute a Joint Committee comprising District Magistrate, Bulandshahr and Uttar Pradesh Pollution Control Board*
9. *Said Committee shall collect relevant information and after examination of factual details shall find out whether the activities of alleged violator comes within the purview of Air Act, 1981 and if so whether there is any violation of provisions of the Air Act, 1981 and if they find any violation thereof, would take appropriate preventive, punitive, prohibitive and remedial action in accordance with law against the violator within two months.*
10. *A Compliance Report shall be submitted with Registrar General of this Tribunal within two months who if finds necessary that any further order is required, shall place the matter before the Bench"*

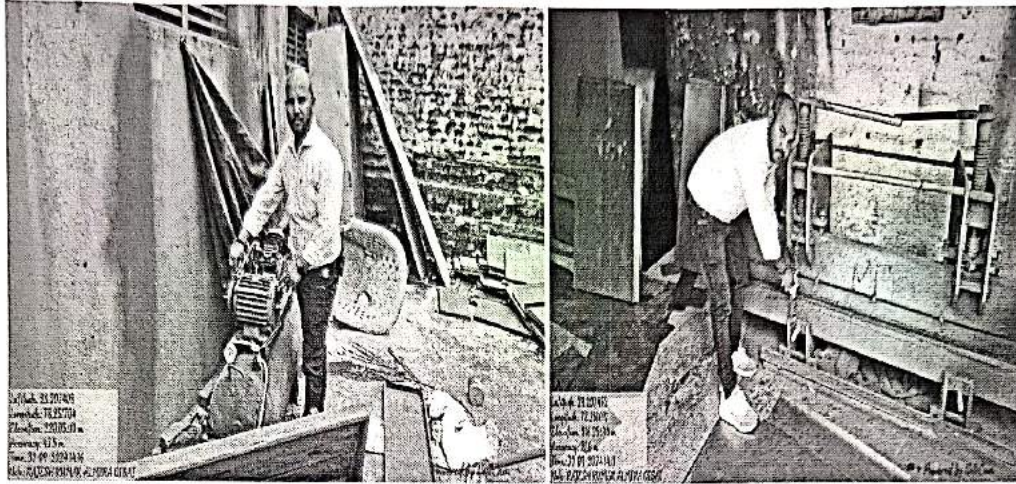
**Background:-**

1. The Hon'ble NGT passed the above order on 22-08-2024 in O.A. No. 802/2024 on the complaint of Shri Deepam Garg and others (applicant in OA) resident of Mohalla Chouvelapench, Ward No.13, Rajni Public School, Purana Gate, Dibai, District Bulandshahr, alleging that one Shri Rajesh Kumar, s/o Shri Jai Shankar Prasad, has a residential house in front of the house of the complainants and that the back portion of his house (Shri Rajesh Kumar) is being used for fabrication of Steel Almirah, bed, box etc.. The complaint mentioned that Shri Rajesh Kumar used to carry out spray painting activity causing damage to environment and creating a health hazard to the local residents through air pollution and noise pollution. Complainant has said that several complaints were made to various authorities but unit is still continuing operations. (Annexure - 1)

**Action Taken: -**

2. In pursuance to the orders dated 22-08-2024 of Hon'ble Tribunal, the District Magistrate, Bulandshahr constituted a joint committee comprising Sub Divisional Magistrate, Bulandshahr and Regional Officer, UP Pollution Control Board, Bulandshahr vide letter number 605/OG/263/2024 dated 11/09/2024, to investigate the matter in detail including compliances under provisions of environmental acts and to take remedial action as per rules.
3. Accordingly, the joint committee inspected the site on 26/09/2024 and observed that Shri Rajesh Kumar, s/o Shri Jaishankar Prasad, manufactured steel cupboards, beds and boxes behind his residential complex near Mohalla Chauvela Panch, Ward No. 13, Rajni Public School, Purana Gate. The committee found the unit operational and in production. The sound intensity of the production activity of the unit was monitored/measured using a Noise monitoring instrument and it was observed that the intensity of sound generated by the production activity was more than the permissible standards for noise pollution (**Annexure – 2**).
4. The Committee also noted that the unit was established and was operating in a residential area without obtaining a No Objection Certificate and Water and Air consent from UP Pollution Control Board under Water (Prevention and Control of Pollution) Act, 1974 & Air (Prevention and Control of Pollution) Act, 1981. During the inspection, the unit representative showed a copy of the order dated 25/10/2018 passed in suit number 00170/2018 Government vs Rajesh Kumar, filed under section 133 of Criminal Procedure Code, issued by the office of Sub-District Magistrate, Dibai. This order mentioned that the grievance against the said unit was filed under section 133(1) CrPC before the office of Sub Divisional Magistrate Dibai. In this order dated 25/10/2018, it is denoted that UP District Industries Centre, Bulandshahr has issued a No Objection Certificate to the unit regarding pollution and mentioned that steel furniture manufacturing has been listed as a non-polluting unit. On the basis of No objection Certificate issued by UP District Industries Centre Bulandshahr, Sub-District Magistrate, Dibai disposed of the complaint filed under section 133 (1) CrPC through order dated 25/10/2018 **Annexure-3**. The Committee, during inspection, noted that Shri Rajesh Kumar was operating the unit on the basis of the NOC issued by the District Industries Centre.
5. The Committee perused the orders dated 13/09/2013 of the Hon'ble Supreme Court in Special Leave Petition (Civil) no(s) 1295/2011 M/s Manoj Mini Rice Mill and Anr Vs State of U.P. and orders dated 28/11/2018 of Hon'ble NGT in OA No. 64/2016 and M.A. No. 1024/2017 (Gopeshwar Nath Chaturvedi V/s UP Pollution Control Board & Others). The Committee noted that the establishment and operation of the unit in a residential area was in violation of the provisions of the environmental laws and these court orders. Accordingly, instructions were issued by the District Magistrate Bulandshahr vide letter no. 638/OG-263/2024 dated 27/09/2024 to seal the unit and cancel the No objection Certificate issued to the unit by the Deputy Commissioner of Industries, District Industries Promotion and

Entrepreneurship Development Center, Bulandshahr. In pursuance to these instructions, the unit was closed and sealed on 30/09/2024 by a joint team of Assistant Scientific Officer, Junior Engineer, UP Pollution Control Board, Bulandshahr and Nayab Tehsildar, Tehsil Dibai. Photographs of the sealing of molding and spray-painting machine of the unit are given below:



6. Further, the power supply of the unit has been disconnected by the Electricity Distribution Section, Dibai. The No objection certificate issued to the unit by the District Industries Promotion and Entrepreneurship Development Center, Bulandshahr has also been cancelled. (Annexure-4)

7. The Committee submits this report along with the enclosures.

*Sapna*  
 (Sapna Srivastava)  
 Regional Officer  
 UP Pollution Control Board  
 Bulandshahr, U.P.

*KD*  
 (Kamlesh Kumar Goel)  
 Sub Divisional Magistrate, Dibai  
 Bulandshahr, U.P.  
*b*  
*NTD*

117  
नकल आदेश फाइल- 25/10/18



उल:- मेरठ, जनपद:- बुलन्द शहर, तहसील:- डिबाई

न्यायालय उपजिलाधिकारी

वाद संख्या:- 00170/2018

सरकार

बनाम

राजेश कुमार

कंप्यूटरीकृत वाद संख्या :- T201811170700170

अंतर्गत धारा:- 133, दण्ड प्रक्रिया संहिता

आदेश तिथि:- 25/10/2018

अंतिम आदेश

निर्णय

विपक्षी प्रथम पक्ष राजेश कुमार पुत्र श्री जयशंकर प्रसाद निवासी मौ० महादेव कस्बा डिबाई के विरुद्ध थानाध्यक्ष डिबाई द्वारा तहसील दिवस प्रार्थना पत्र संख्या 30074918000220 पर दिनांक अन्तर्गत धारा- 133(1) दण्ड संहिता की रिपोर्ट प्रस्तुत की जिसमें कहा गया कि विपक्षी ने राजेश कुमार उपरोक्त ने अपने मकान के पास व मकान के पीछले हिस्से को लोहे की अलमारी व लोहे के बेंड व लोहे के सन्दूक आदि बनाता है तथा उन पर स्त्रे करता है जिसके कारण उक्त स्थल से वायु प्रदूषण व ध्वनी प्रदूषण पैदा होता है व आस पास के मकानों में रह रहने वाले व्यक्तियों की आँखों में जलन व ध्वनी प्रदूषण आदि से लोगों ने एलर्जी व अन्य बीमारियों का खतरा होने का आरोप लगाया गया है। उक्त सम्बन्ध में नगर पालिका डिबाई के द्वारा भी नोटिस दिया है परन्तु राजेश कुमार उपरोक्त के द्वारा अपने आवासीय भू उपयोग में चल रही टीन उर्ध्व को बन्द कराकर विपक्षी के विरुद्ध कानूनी कार्यवाही करायी जाये।

मैंने पत्रावली का अवलोकन किया विपक्षी के विद्वान अधिवक्ताओं के तर्कों को सुना। पत्रावली पर उपलब्ध साक्ष्य के रूप में कार्यालय नगर पालिका परिषद डिबाई का नोटिस दिनांक 8.2.2018 को निरस्तीकरण पत्र व अनुमति प्रमाण पत्र की छाया प्रति एवं उद्योग निदेशालय, उ०प्र० जिला उद्योग केंद्र बुलन्दशहर द्वारा जारी प्रदूषण अनापत्ति प्रमाण पत्र तथा विवादित स्थल से सटे हुये मकान मालिकों के अनापत्ति शपथ पत्र प्रस्तुत किये हैं। एवं जिला उद्योग केन्द्र अनापत्ति प्रमाण पत्र में स्टैल फर्नीचर को प्रदूषण रहित अंकित किया गया है। मैं उपरोक्त साक्ष्यों से संतुष्ट हूँ। अतः नोटिस अन्तर्गत धारा 133(1) दण्ड संहिता दिनांक 06.7.2018 वापस लिया जाना न्यायोचित प्रतीत होता है।

आदेश

अतः आदेश हुआ कि नोटिस अन्तर्गत धारा 133(1) दण्ड संहिता दिनांक 06.7.2018 वापस लिया जाता है। वाद की कार्यवाही समाप्त की जाती है। पत्रावली बाद आवश्यक कार्यवाही दाखिल दफ्तर हो।

दिनांक-25.10.2018

~~जिला न्यायाधीश~~  
डिबाई

प्रार्थना पत्र संख्या 56

दिनांक 29/10/18

दिनांक 29/10/18

दिनांक 10/10

दिनांक 10/10

दिनांक 29/10/18

दिनांक 29/10/18

TEN RUPEES



**LETTER OF COMFORT**

OFFICE OF THE DEPUTY COMMISSIONER INDUSTRY, DISTRICT INDUSTRY  
& ENTERPRISE PROMOTION CENTRE, BULANDSHAHR.  
TEL. 05732-235047. EMAIL- gmdicbsr@gmail.com

S.L.No.- 394

No... 316.../D.I.&E.P.C./BSR/2018-19

Dated- 17-04-2018

Name of the Unit : M/S SHARMA FURNITURE TRADERS &  
REPAIRS

Address of proposed unit : MAHADEV CHOBELE PECH, DEBAL,  
BULANDSHAHR

1- Product/Activity : STEEL FURNITURE

2- Capacity : 0

3- Proposed date of Commencement : 06-2018  
of Activity

4- Employment : 04

5- Investment in plant/machinery : 0.90 ( LACS)

6- Category of unit : MICRO

7- Detail of Proprietor/Partner/Director: SMT. SUMAN SHARMA

8- Type of Organization : PROPRIETOR

A- Residential Address : 28.MOH. MAHADEV-1 DEBAL, CHOBELE PECH  
BULANDSHAHR.

B- Mobile No. :

C- I.D./PAN NO. : 278903955193-SUMAN SHARMA (ADHAR CARD)

The above information is accepted for his proposed unit. This letter is issued as per request of applicant & on the basis of information and document submitted by the entrepreneur. This Comfort letter does not bestow of any legal right. For any wrong information unit will be responsible.

Date: 17-04-2018

Deputy Commissioner Industry  
District Industry & Enterprise Promotion Centre  
Bulandshahr.



*True Copy*  
सुमन शर्मा



# उद्योग निदेशालय, उ०प्र०

जिला उद्योग एवं उद्यम प्रोत्साहन केन्द्र, बुलन्दशहर

No. 37 /D.I.&E.P.C.B.S.R./P.CONT.

DATED:

**SUBJECT: NO OBJECTION CERTIFICATE FOR POLLUTION ANGLE FOR NONHAZARDOUS & ABNOXIOUS SMALL SCALE INDUSTRIES.**

**Mrs. SHARMA FURNITURE TRADERS & REPAIRS  
MAHADEV CHOBELA PECH, DEBAI,  
BULANDSHAHR.**

PROPI/DIREC/PARTNER- SMT. SUMAN SHARMA

Please refer to your application Dated 17-04-2018 on the subject noted above and subsequent correspondence in this regard the No Objection Certificate in respect of Pollution Control, Angle is hereby issued to you for production of the following items :-

**STEEL FURNITURES (at Serial No-83 of 220 Non-Polluted Industries)**

Work at- MAHADEV CHOBELA PECH, DEBAI, BULANDSHAHR

**SUBJECT TO STRICT COMPLIANCE OF FOLLOWING CONDITIONS:**

- 1- Land Use/No Objection Certificate in case the unit is established in prescribed industrial area of in area conforming to the prescribed, as may be.
- 2- In propose activity will not cause ambient to violate the prescribed standard.
- 3- In case of modification, extension or addition in Industrial process of operations resulting in generation of any trade of effluent or air pollutant, you will be required to obtain the consent/N.O.C. to established the unit from the pollution control Board before establishment as per provisions of the (prevention and Control of Pollution) Act, 1981.

*[Signature]*  
Deputy Commissioner Industry  
Distt. Industry & Enterprises Promotion Centre  
Bulandshahr.

Dated:

DIC/SWSIP Cont.

Copy forwarded for information & Necessary Action -  
1- RO, U.P.P.C.B., Bulandshahr.



*[Signature]*  
Deputy Commissioner Industry  
Distt. Industry & Enterprises Promotion Centre  
Bulandshahr.

*True Copy*  
**सुमन शर्मा**

ITEM NO. 41

COURT NO. 2

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s). 4295/2011

(From the judgement and order dated 26/11/2010 in CMWP No. 33870/2010 of  
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S MANOJ MINI RICE MILL &amp; ANR

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 23/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Bimal Roy Jad, Adv.  
Mr. V.K. Singh, Adv.

For Respondent(s)  
(State of UP)

Ms. Shobha Dikshit, Sr. Adv.  
Mr. Pawan Shree Aggrawal, Adv.  
Mr. Abhishek Chaudhary, Adv.

UP Pollution Control  
Board

Mr. Pradeep Misra, Adv.

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against order dated 26.11.2010 passed by the Division Bench of the Allahabad High Court dismissing the writ petition filed by the petitioners against the closure of petitioner No.1 M/s. Manoj Mini Rice Mill.

It is not in dispute that the rice mill was being operated by the petitioner in a residential area and that, too without obtaining consent under Section 26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and without getting the land use changed from residential to commercial/industrial.

Shri Bimal Roy Jad, learned counsel for the petitioners made strenuous efforts to convince us that the High Court committed an

5/20/2016

courtnic.nic.in/supremecourt/temp/4295201112392013p.td

error by dismissing the writ petition ignoring that a number of similar industrial units are operating at Mirzapur and petitioner No.1 alone has been singled out for a discriminatory treatment but we are not felt impressed. The doctrine of equality embodied in Article 14 of the Constitution mandates the State not to discriminate among similarly situate persons but this does not mean that a mandamus can be issued to a public authority for perpetuation of illegality or illegal action.

At this stage, learned counsel for the petitioners made a request that his clients may be permitted to withdraw the special leave petition.

Though belated, we accept the request of the learned counsel and dismiss the special leave petition as withdrawn.

While dismissing the special leave petition, we consider it necessary to observe that the Government of Uttar Pradesh and its officers as also the Uttar Pradesh Pollution Control Board shall take active and effective steps for implementation of the directions given by the High Court in Writ Petition No. 34957 of 2003 - Srimati Mithilesh Jain v. State of U.P. and others and order passed in P.L.L. Writ Petition No.15432/2010 Smt. Indira Singh v. State of U.P. and others and ensure that all commercial and industrial activities including running of polluting industries in the residential areas of Mirzapur are stopped and the polluting industries are shifted out of the residential areas without any delay.

A copy of this order be sent to the Chief Secretary to the Government of Uttar Pradesh for ensuring compliance of the directions given by the High Court in Srimati Mithesh Jain's case and Smt. Indira Singh's case.

| (Parveen Kr.Chawla)

| | (Phoolan Wati Arora)

| Court Master

| | Court Master

Court No. - 39

Case :- WRIT - C No. - 57212 of 2017

Petitioner :- M/S New Ma Sharda Stone Mill, Chitrakoot And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Devbrat Mukherjee

Counsel for Respondent :- C.S.C., Hari Nath Tripathi

Hon'ble Dilip Gupta, J.

Hon'ble Jayant Banerji, J.

Petitioner no.2 who claims to run a Mini Stone Crusher Plant is aggrieved by the notice dated 6 November 2017 sent by the Regional Officer of the U.P. Pollution Control Board, Banda. The notice mentions that a complaint was filed by the local residents before the District Magistrate, Banda regarding pollution and public nuisance caused by the plant. It has been stated that the petitioner is not taking effective steps to control the dust particles from the plant and, therefore, the petitioner should take steps to shift the plant to some other place, otherwise appropriate steps shall be taken.

Learned counsel for the petitioners has submitted that the petitioner has a valid license and no pollution is being caused which may cause nuisance to the local inhabitants. It is, therefore, his submission that the Regional Pollution Officer has no jurisdiction and the Board alone is vested with the power to take appropriation action.

Sri H.N. Tripathi, learned counsel appearing for the Pollution Board states that nothing prevents the petitioners from bringing these facts to the notice of the Regional Pollution Officer of the Board.

In such circumstances, we dispose of this petition with a direction that in the event the petitioner files an objection to the notice within ten days from today, an appropriate decision shall be taken expeditiously and preferably within two weeks thereafter.

Order Date :- 1.12.2017

sla

(Dilip Gupta, J)

AUTHENTICATED COPY (Jayant Banerji, J)  
 SECTION OFFICER  
 12/12/17 AR  
 REGISTERED COPYING SECTION

OFFICE OF THE  
EXECUTIVE ENGINEER  
PASHCHIMANCHAL VIDHUT VITRAN NIGAM Ltd.

123



कार्यालय  
अधिकाशी अभियन्ता  
परिचमंचल विद्युत वितरण निगम लि०  
विद्युत वितरण खण्ड

Annexure II

दूरभाष : 05732-233879

फैक्स : 05732-233879

ई-मेल : robulandshahar@uppcb.in



क्षेत्रीय कार्यालय

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,  
Uttar Pradesh Pollution Control Board  
मुनापुरम (MMR मॉल के पीछे), बुलन्दशहर-203001

संदर्भ : .....

दिनांक : .....

**Noise Monitoring Report**

1. Scope of Monitoring - Noise level (dB(A)Leq.)
2. Date of monitoring - 26.09.2024
3. Monitoring place - M/s Rajesh kumar S/o Shri jai Shankar Prasad  
Unit, Mohalla chauvelapench, ward No.13, Rajni  
Public School near old gate, Dibai, Bulandshahr.
4. Monitoring  
conducted by - Aashif Khan (Attendant)
5. Monitoring distance  
from source - 10m
6. Monitoring Duration - 01 min 09 sec

Noise Level (db)	
L(A)eq	72.6
LAFmax	87.4
LAFmin	51.5
LAE	96.1
Standard L(A)eq	65.0

*Nish*  
Attendant / J.R.F.

*J.R.F.*  
A.S.O. CHANDRA  
Assistant Scientific Officer  
U.P. Pollution Control Board  
Bulandshahr

*Bafu*  
R.O.  
Regional Officer  
U.P. Pollution Control Board  
Bulandshahr

पत्रांक: 638/09-263/24

दिनांक 27/09/24

1. उप जिलाधिकारी,  
डिबाई,  
जनपद बुलन्दशहर।
2. क्षेत्रीय अधिकारी,  
उ0प्र0 प्रदूषण नियंत्रण बोर्ड,  
बुलन्दशहर।

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 सं0-802/2024 दीपम गर्ग उर्फ दुर्गा व अन्य बनाम स्टेट ऑफ यू0पी0 के अन्तर्गत मा0 अधिकरण द्वारा पारित आदेश दिनांक 22.08.2024 के अनुपालन में नियमानुसार उपचारात्मक कार्यवाही एवं पर्यावरणीय अधिनियमों की जाँच करते हुये यथाआवश्यक कार्यवाही करने हेतु समिति का गठन किया गया था। शिकायती स्थल के किये गये संयुक्त निरीक्षण के उपरान्त क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर द्वारा प्रस्तुत आख्या द्वारा अवगत कराया गया है कि श्री राजेश कुमार पुत्र श्री जयशंकर प्रसाद द्वारा मौहल्ला चौवेलापेंच, वार्ड नं0-13, रजनी पब्लिक स्कूल, पुराना गेट के निकट आवासीय परिसर में स्टील अलमारी, बेड एवं बॉक्स का निर्माण भू-प्रयोग के विरुद्ध किया जा रहा है। इकाई द्वारा पर्यावरणीय अधिनियमों का अनुपालन सुनिश्चित नहीं किया जा रहा है।

अतः निर्देशित किया जाता है कि मा0 अधिकरण द्वारा पारित आदेश के अनुपालन में उक्त इकाई की बन्दी सुनिश्चित कराते हुये आख्या अधोहस्ताक्षरी को 02 दिवस के भीतर प्रस्तुत करना सुनिश्चित करें।

*Ch*  
(वन्द प्रकाश सिंह)  
जिलाधिकारी  
बुलन्दशहर

पृष्ठांकन सं0-

दिनांक:-

प्रतिलिपि-उपायुक्त उद्योग, जिला उद्योग प्रोत्साहन तथा उद्यमिता विकास केन्द्र, बुलन्दशहर को इस निर्देश के साथ प्रेषित कि प्रश्नगत इकाई को जारी प्रदूषण अनापत्ति प्रमाण पत्र को निरस्त करते हुये अधोहस्ताक्षरी एवं उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर को अवगत कराना सुनिश्चित करें।

*Ch* 27.9.24  
जिलाधिकारी  
बुलन्दशहर

*ck*  
*Depus.*

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 नं0-802/2024 दीपम गर्ग उर्फ दुर्गा व अन्य बनाम स्टेट ऑफ यू0पी0 के अन्तर्गत पारित आदेशों के अनुपालन में इकाई की सीलिंग सम्बन्धी आख्या।

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 नं0-802/2024 दीपम गर्ग उर्फ दुर्गा व अन्य बनाम स्टेट ऑफ यू0पी0 के अन्तर्गत पारित आदेश दिनांक 22.08.2024 के अनुपालन में जिलाधिकारी महोदय द्वारा निर्गत आदेश पत्रांक-638/ओजी-263/2024 दिनांक 27.09.2024 के अनुपालन में मै0 श्री राजेश कुमार पुत्र श्री जयशंकर झा का गठित समिति द्वारा आज दिनांक 30.9.2024 को निरीक्षण किया गया एवं इकाई के संचालन को बन्द कराया गया। इकाई प्रतिनिधि के रूप में श्री राजेश कुमार फोन नं0-976107897 उपस्थित थे। सर्वेक्षण के दौरान इकाई के संचालन को रोके जाने हेतु मशीनरी को सील किया गया।

*S.P. Singh*  
30.9.2024  
S.P. SINGH  
Junior Engineer  
U.P. Pollution Control Board  
Bulandshahr

*Geetesh Chandra*  
20/9/2024  
GEETESH CHANDRA  
Assistant Scientific Officer  
U.P. Pollution Control Board  
Bulandshahr

*b*  
30.9.2024  
N.T  
Dibai Tansil

*सुमन शर्मा*  
*राजेश कुमार*  
30-9-2024

पंजीकृत

कार्यालय उपायुक्त उद्योग, जिला उद्योग प्रोत्साहन तथा उद्यमिता विकास केन्द्र, बुलन्दशहर।

पत्रांक

/जिउप्रोतउविके-बु0शहर/विविध/2024-25/दिनांक:

मै0 शर्मा फर्नीचर ट्रेडर्स एण्ड रिपेयर्स,  
मौ0 महादेव चौबेला पेच, डिबाई,  
बुलन्दशहर।

कृपया जिलाधिकारी महोदय के कार्यालय पत्रांक 638/ओए-263/24, दिनांक 27.09.2024 के द्वारा दिये गये निर्देशों के द्वारा मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 सं0-802/2024 दीपक गर्ग उर्फ दुर्गा व अन्य बनाम स्टेट ऑफ यू0पी0 के अन्तर्गत मा0 अधिकरण द्वारा पारित आदेश दिनांक 22.08.2024 के अनुपालन में नियमानुसार उपचारात्मक कार्यवाही एवं पर्यावरणीय अधिनियमों की जांच हेतु समिति का गठन किया गया था, जिसमें क्षेत्रीय अधिकारी, उ0प्र0 राज्य प्रदूषण नियंत्रण बोर्ड बुलन्दशहर की आख्यानुसार श्री राजेश कुमार पुत्र श्री जयशंकर प्रसाद द्वारा मौ0 चौबेला पेंच, वार्ड नं0-13, रजनी पब्लिक स्कूल पुराना गेट के निकट आवासीय परिसर में स्टील अलमारी, बेड एवं बॉक्स का निर्माण भू-प्रयोग के विरुद्ध किया जाने के कारण आपके द्वारा पर्यावरणीय अधिनियमों का अनुपालन सुनिश्चित नहीं किया जा रहा है। उपरोक्त के कम में जिलाधिकारी महोदय द्वारा आपकी इकाई के पक्ष में जारी की गई प्रदूषण अनापत्ति प्रमाण पत्र को निरस्त करने हेतु निर्देशित किया गया है।

उपरोक्त निर्देशों के अनुपालन में तथा क्षेत्रीय अधिकारी, उ0प्र0 राज्य प्रदूषण नियंत्रण बोर्ड की आख्या के कम में आपके द्वारा पर्यावरणीय अधिनियमों का अनुपालन सुनिश्चित न किये जाने के फलस्वरूप आपके पक्ष में इस कार्यालय के पत्रांक 317 दिनांक 18.04.2024 के द्वारा जारी की गई अप्रदूषणकारी अनापत्ति प्रमाण-पत्र को तत्काल प्रभाव से निरस्त किया जाता है तथा आपको निर्देशित किया जाता है कि आप सभी सम्बंधित विभागों से समुचित अनापत्तियां तथा अभिलेख पूर्ण होने के उपरांत ही अपना उत्पादन प्रारम्भ करना सुनिश्चित करें।

उपायुक्त उद्योग

जिला उद्योग प्रोत्साहन तथा उद्यमिता विकास केन्द्र,

बुलन्दशहर।

पृष्ठांकन संख्या 991 (2)  
प्रतिलिपि-

/उपरोक्त तददिनांक: 07/10/2024

1. जिलाधिकारी महोदय बुलन्दशहर के कृपया सादर सूचनार्थ प्रेषित।
2. क्षेत्रीय अधिकारी, उ0प्र0 राज्य प्रदूषण नियंत्रण बोर्ड, बुलन्दशहर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

उपायुक्त उद्योग

जिला उद्योग प्रोत्साहन तथा उद्यमिता विकास केन्द्र,

बुलन्दशहर।