

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

ORIGINAL APPLICATION NO. 294/2023

In the Matter of:

Prasoon Pant & Anr.

.....Applicants

VERSUS

Uttar Pradesh Pollution Control Board & Ors.

.....Respondents

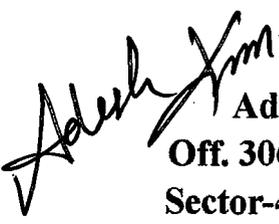
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New Delhi

Date:-22.08.2024


Respondent No. 52


Adesh Kumar, Advocate
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Sector-4, Vaishali, Ghaziabad
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SHORT COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENT NO. 52

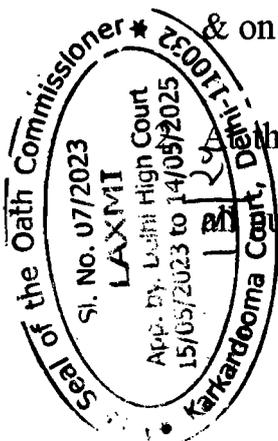
I, Sandeep Tomar aged about 32 years S/o Sh. Yogendra Singh R/o H. No. 670, Vivekanand Nagar, Ghaziabad, Partner of Hotel New Imperial, 167, 277, 278, Bajariya Purvi Ghaziabad-201001, temporarily came down to Delhi, states and declare as under:-

1. That I am one of the Partners of Hotel New Imperial, arrayed as Respondent no. 52 in the present OA. Being one of the Partners of the answering Respondent, I am well conversant with the facts stated in the present Affidavit and as such competent to swear this Affidavit on oath for

& on behalf of the Respondent no. 52.

the outset, the answering respondent, denies each & every statement,

all purported submissions, allegations, contentions, and grounds raised by



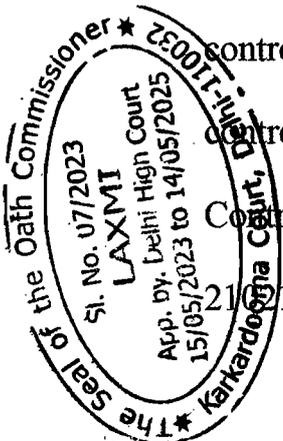
the petitioner in the present petition under reply that is contrary to the present reply and the content of the same is denied in its entirety and the answering respondent shall not be deemed to have admitted any allegation, averment and submission of the petitioner herein, except as may be specifically admitted herein after and that none of contentions of the petitioner may be deemed to have been admitted by the answering respondent merely on the ground of non-traverse.

3. That the answering Respondent has been served with the Notice dated 04/01/2024 but without any copy of any order, report and or petition as stated to be enclosed the said Notice and, therefore, the answering Respondent most humbly prays that the same may please be provided to the answering Respondent.

4. That however, without prejudice the rights and contentions of the answering Respondent, it is most humbly submitted that the answering Respondent has all the requisite permissions to run a Hotel including a Consolidated Consent to Operate and Authorization (CCA) (Consolidated Consent & Authorization) (Fresh) u/s. 25 of the Water (Prevention &

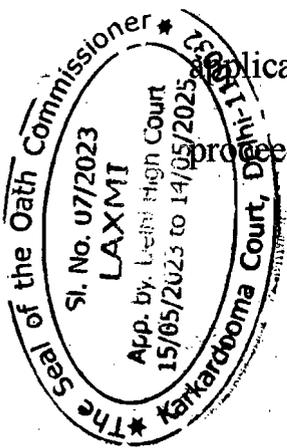
Control of Pollution) Act, 1974 and u/s. 21 of the Air (Prevention & Control of Pollution) Act, 1981 issued by the Uttar Pradesh Pollution

Control Board (UPPCB) vide Authorization Letter no. 21/14/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2024



dated 24/05/2024 for the period from 24/05/2025 to 31/03/2029. True Copy of the said (Consolidated & Authorization) (Fresh) dated 24/05/2024 is annexed as **Annexure-A**.

5. That the answering Respondent has been complying with all the conditions required to be complied with under CCA (Consolidated Consent & Authorization) (Fresh) dated 24/05/2024.
6. That the answering Respondent has also obtained all the permissions/NOCs/clearances from the other concerned government departments and has been functioning by abiding strictly with the laws of the land. It is submitted that the answering Respondent has all the requisite permissions/clearances to operate as a Hotel and has registered itself under the Sarai Act, 1867 applicable to the State of Uttar Pradesh.
7. That the answering Respondent reserves its right and seeks permission of this Hon'ble Tribunal to file a detailed Affidavit on receipt of a copy of the Petition and other annexed documents and applications.
8. That in view of the above facts, it is most humbly submitted that the answering Respondent is neither a necessary, nor a proper party in the application for adjudication in which it has been summoned and hence the proceedings against the answering Respondent may please be dropped or



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name of the respondent may be deleted from the array of the memo of the parties in the fact and circumstances and in the interest of justice.

9. That the answering respondent reserves his rights to amend/modify or file additional/supplementary reply to the present reply in view of any subsequent events or any other documents relevant to the issue in question.

10. That the contents of the accompanying short counter/reply have been drafted by my counsel at my instructions which I read and understood in vernacular and the same are true to my knowledge and the same may be read part and parcel of this affidavit.

Adesh Kumar
I Identify the Deponent who has signed in My Presence

[Signature]
DEPONENT
For Hotel New Imperial

VERIFICATION:-

Partners

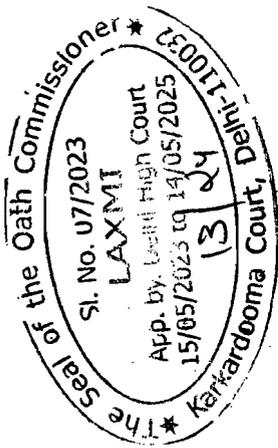
Verified that the contents of this affidavit are true to my knowledge and belief and nothing material has been concealed therein.

Verified at Delhi on this 22 day of August 2024

[Signature]
DEPONENT

For Hotel New Imperial

Partners



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km *Sandeep Kumar*
S/o, W/o, D/o, Sh. *Yogendra Singh*
R/o. *at above*
Identified by *Adesh Kumar*
has said *13/24*
22 AUG 2024
That the contents of the affidavit have
been read and understood and are true and
correct to his knowledge

22 AUG 2024

Oath Commissioner



Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

210214/UPPCB/Ghaziabad(UPPCBRO)/CTO/both/GHAZIABAD/2024

Date: 24/05/2024

To,

M/s

HOTEL NEW IMPERIAL

167,277,278 BAJARIYA PURVI GHAZIABAD,GHAZIABAD,201001

Application Id-
26274773

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **HOTEL NEW IMPERIAL** located at **167,277,278 BAJARIYA PURVI GHAZIABAD,GHAZIABAD,201001**. subject to the provisions of the Water Act, Air Act and the orders that may be made further and subject to following terms and conditions :-

1. This CCA HOTEL NEW IMPERIAL granted for the period from 24/05/2024 to 31/03/2029 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Hotel Room-25	25	Numbers/Day

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.8	Septic Tank	Septic Tank
Industrial	0.5	STP	CSTP

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
1	Oil & Grease	10 mg/l
2	COD	250 mg/l
3	BOD	30 mg/l

(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
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Emission Quality Standards

S No.	Stack no	Parameters	Standards
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In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.

6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.

7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the

amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.

8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. The unit shall comply with directions of Hon'ble National Green Tribunal/Hon'ble Supreme Court/CPCB/UPPCB.
2. Unit shall comply with various Waste Management Rules as notified by MOEF & CC i.e., Plastic Waste Management Rules, 2016, Solid Waste Management Rules, 2016, Hazardous and Other Wastes (Management and Trans boundary) Rules, 2016.
3. Unit shall install Oil & Grease trap/ETP within 01 month and comply with the 'General standards for discharge of Environmental Pollutants Part A: Effluents' notified under Schedule VI in Environment (Protection) Rules, 1986, failing which this CTO shall be deemed void.

4. This CTO will be subject to the land use permission of competent authority, failing which this CTO shall be deemed void.
5. In case of usage of ground water, the project Proponent must obtain NOC from CGWA within 01 month from the date of issue of CTE/CTO/CCA, unless falling in exempted category as per MoJS Guidelines dated 24.09.2020 and amendments dated 29.03.2023 thereto.
6. This CTO will be subject to the final decision of Hon'ble NGT in O.A. no. 294/2023 Prasoon Pant Vs UPPCB & Ors.
7. Unit shall submit latest balance sheet for verification of submitted fee.
8. If any outstanding fee will due then the unit shall deposit outstanding fee to Bard account accordingly.
9. Unit shall deposit the environmental compensation imposed by UPPCB for past violations.

Vikas Digitally signed
by Vikas Mishra
Mishra Date: 2024.05.24
20:11:21 +05'30'

REGIONAL OFFICER, GHAZIABAD.

Copy to:

CEO-1, UPPCB, LUCKNOW.

Vikas Digitally signed
by Vikas Mishra
Mishra Date:
2024.05.24
20:11:30 +05'30'

REGIONAL OFFICER, GHAZIABAD.


T.C.



मिशन LIFE - पर्यावरण के लिए जीवन शैली
(Lifestyle For Environment)
जनसहभागिता का सन्देश



- स्वच्छता - देशसेवा में अपने परिवेश की स्वच्छता हेतु अपना सक्रिय योगदान सुनिश्चित करें
- संकल्प लें - एकल उपयोग प्लास्टिक उत्पाद जैसे कप, तश्तरी, चम्मच, स्ट्रॉ, ईयरबड्स आदि का उपयोग न हो एवं पर्यावरण अनुकूल विकल्पों जैसे कागज/पत्तों से बने दोने या कटलरी को प्राथमिकता दी जाय |
- एकल उपयोग प्लास्टिक उत्पाद के प्रयोग को रोकने एवं प्लास्टिक बैग के बजाय कपड़े के थैले का उपयोग करने मात्र से 375 मिलियन टन ठोस (प्लास्टिक) कचरे का उत्सर्जन बचाया जा सकता है
- चक्रीय अर्थव्यवस्था (सर्कुलर इकोनॉमी) का समुचित कार्यान्वयन वर्ष 2030 तक लगभग 14 लाख करोड़ रुपये की अतिरिक्त बचत उत्पन्न कर सकता है | वेस्ट /अपशिष्ट फेकने के पूर्व सोचें, ये किसी का संसाधन तो नहीं ...?
- अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को कचरे में फेकने से रुकें | इसके उपयुक्त निस्तारण हेतु इसे प्राधिकृत ई - वेस्ट रीसाइकलर को दें | प्राधिकृत ई-रीसाइकलिंग इकाई में अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को देने मात्र से 0.75 मिलियन टन तक ई-कचरे का पुनर्चक्रण किया जा सकता है एवं ई-कचरे के विषम पर्यावरणीय दुष्प्रभाव से बचा जा सकता है
- बाहर जाते समय - सोचें कि क्या आपको वास्तव में परिवहन की आवश्यकता है - वह भी क्या व्यक्तिगत रूप से ? छोटी दूरी के लिए पैदल चलना पसंद करें, अथवा सम्भव हो तो कार पूल के रूप में संसाधन को साझा करें अथवा सार्वजनिक परिवहन पर विचार करें
- घरेलू स्तर पर कम से कम ठोस अपशिष्ट का उत्सर्जन करें और इनका प्रथाक्रीकरण करें
- उपयोगी शेष खाद्य सामग्री आपके स्वयं प्रयास अथवा निकटस्थ सक्रिय स्वयं सेवी संस्थाओं की सहायता से समाज के वंचित वर्ग तक पहुंचाई जा सकती है | वहीं अनुपयोगी भोजन /खाद्य सामग्री को कंपोस्ट (वर्मी कम्पोस्ट) करने से 15 अरब टन भोजन को नष्ट होने से बचाया जा सकता है
- ध्यान रखें - उपयुक्त नल और शावर के उपयोग से पानी की खपत को 30 - 40% तक कम किया जा सकता है। एवं उपयोग में न होने पर नलों को बंद रखने मात्र से 9 ट्रिलियन लीटर पानी बचाया जा सकता है
- ट्रैफिक लाइट/रिलवे क्रॉसिंग पर कार/स्कूटर के इंजन बंद करने मात्र से 22.5 बिलियन kWh तक ऊर्जा की बचत हो सकती है
- परम्परागत बल्ब के स्थान पर CFL का उपयोग बिजली की खपत में प्रभावी कमी लाते हैं | उपयोग में न होने पर बिजली उपकरणों को बंद करें | स्टार रेटेड विद्युत उपकरणों के उपयोग को प्राथमिकता दें

हमारे द्वारा अपनी जीवन शैली की प्राथमिकताओं का उचित और पर्यावरण अनुकूल पुनर्निर्धारण समाज और पर्यावरण के प्रति हमारा दायित्व है |


T.C

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

OA NO. 294 of 2023

In re:-

PRASOON PANT & ANR.

.....APPLICANT

Vs.

UTTAR PRADESH POLLUTION CONTROL BOARD & ORS.RESPONDENTS

KNOW ALL to whom these present shall come that I/We Hotel New Imperial, 167, 277, 278, Bajariya Purvi Ghaziabad-201001, the above named Respondent No. 52, do hereby appoint: **Adesh Kumar, Advocate, Office, 306, Alaknanda Towers, Sector-4, Vaishali, Ghaziabad-201010, Enrollment No. D/2239/2012 # 9643935419 Email id- Adesh.adv@gmail.com**

(Hereinafter called the advocate) to be my/our Advocate in the above noted case authorise him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques and other acts and things which may be necessary for the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.



proof and to do all
d in the course of

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 21.....day of 09.... 2024

Accepted subject to the terms of the fees.

For Hotel New Imperial

For Hotel New Imperial

Advocate

Adesh Kumar
18

[Signature]
Client

Partners

[Signature]
Client

Partners