

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 242/2021
(I.A. No. 61/2022)

IN THE MATTER OF:

Satish Govind

Versus

... Applicant

President and Secretary, Windsor Park Residents
Welfare Association & Anr.

... Respondent(s)

**REPLY ON BEHALF OF THE RESPONDENT ASSOCIATION IN
PERSUANCE TO THE DIRECTION DATED 16.03.2022
PASSED BY THIS HON'BLE TRIBUNAL.**

PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)

SUNIL SHARMA
ADVOCATE FOR THE RESPONDENT
207-LGF, Vinobapuri, Lajpat Nagar-2, New Delhi-110 024

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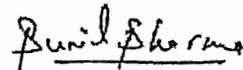
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RESPONDENT

FILED BY

NEW DELHI

DATE: .06.2022



SUNIL SHARMA

ADVOCATE FOR THE RESPONDENT

207-LGF, Vinobapuri, Lajpat Nagar-2, New Delhi-110 024

BEFORE THE NATIONAL GREEN TRIBUNAL

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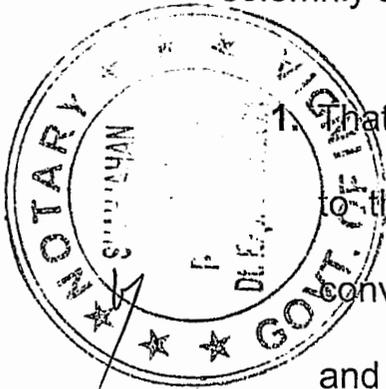
... Respondent(s)

In the Matter of:

REPLY ON BEHALF OF THE RESPONDENT ASSOCIATION IN
PERSUANCE TO THE DIRECTION DATED 16.03.2022 PASSED
BY THIS HON'BLE TRIBUNAL.

MOST RESPECTFULLY SHOWETH AS UNDER:

I, Shobhit Tyagi, aged about 49 years s/o Late Bhudev Kaushik,
R/o GH-53, Windsor Park, Indirapuram, Ghaziabad, do hereby
solemnly affirm ad declare as under:



1. That I am the Secretary of the Applicant association, elected
to the said post in June 2021 and in such capacity well
conversant with the facts and circumstances of the case
and am duly authorized to file the instant response/reply
and as such competent to swear this affidavit. A copy of the
authorization dated 01.06.2022 is annexed as **ANNEXURE-**

R1

2. That the complainant has filed the original application suppressing the fact that the Hon'ble Supreme Court is already ceased over the matter since 2011 wherein a specific prayer has been made by the answering respondent that the Chairman Pollution Board of U.P. the respondent No.3 of the SLP may be directed to ensure that the developer of the Windsor Park Project M/s Assotech Realty Private Limited installs the DG sets and the stack pipes upto the level of 6 fts above the tallest building as per GSR 371(E); dated 17.05.2002 and Emission regulations Part IV: COINDS/26/1986-87 evolved by CPCB.
3. That the pending Civil Appeal arises from the Special Leave Petition filed against the Final Judgment Order dated 16.12.2010 passed by the Hon'ble High Court of judicature at Allahabad in Civil Miscellaneous Writ No. 65358 of 2008.



“ issue a writ, order or direction directing Respondent No. 4 to initiate action against M/s ASSOTECH REALTY Pvt. Ltd. for installing the Diesel Gensets in the green area without the mandatory

heat insulated exhaust pipe upto the height of the G+22 floor building.”

4. That the answering respondent has stated the case in the Special Leave Petition which is pending before the Hon'ble Supreme Court and the same are not being repeated here for the sake of brevity. The respondent craves the leave of this Hon'ble Tribunal to refer to and rely upon the contents of the Special Leave Petition and bring the same to the records of this Hon'ble Tribunal if so directed for disposal of the original application.
5. That the SLP No. 13021/2011 came up for hearing on 12.05.2011, when this Hon'ble Court was pleased to issue notice to the respondents and was further pleased to pass an interim order as under:-



“During the pendency of the special leave petition, the Ghaziabad Development Authority –Respondent No. 1 shall not allow any further compounding of the construction made by respondent no. 5.”

6. That the SLP came for hearing before this Hon'ble Court on 18.02.2015 when the Hon'ble Court was pleased to grant leave and expedite hearing in the following terms.

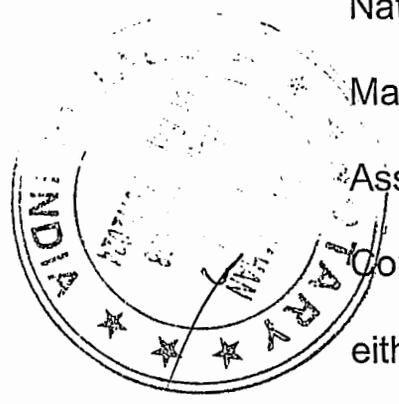
“ Leave granted.

Pending hearing of this appeal, the interim order passed by this Court shall continue.

The hearing of the appeal be expedited and be listed for hearing after one year.”

7. The Civil Appeal is pending before this Hon'ble Court and yet to be finally heard and almost all the issues raised by the Pollution Board in its report filed before this Hon'ble Tribunal is under consideration of the Hon'ble Supreme Court.

8. That on 27.09.2021 one of the residents of the Windsor Park Society moved an application before the Hon'ble National Green Tribunal to take action against the Management Board of Windsor Park Residential Association and to direct the Association and State Pollution Control Board to ensure that this pollution is controlled either through mission control devices or raising the



chimneys above roof heights or switching the CNG Generators or whatever other approved manner.

It is pertinent to mention here that the original applicant Shri Satish Govind was himself the President of the society in the year 2019 and was fully aware of the pending Civil Appeal before the Hon'ble Supreme Court yet in order to save the private developer M/s Assotech Realty Pvt. Ltd. and to make the residents of the society to pay for the cost of the complying with the violations of the Pollution Rules which the developer did not comply since 2007-08 in collusion with the Pollution Board staffs.

9. That the Pollution Board also found it convenient to pressurize the respondent association in spite of having full knowledge of the full facts and the pending SLP so that they don't have to defend themselves as to how the developer could manage to get away without installing the exhaust/stack and conform to the other requirements of Pollution laws.



10. That the matter came up for hearing on 18.10.2021 when this Hon'ble Tribunal was pleased to pass the following directions:

“ 8. Accordingly, the CPCB, Stat PCB and the District Magistrate, Ghaziabad may take further remedial action to ensure compliance of air quality and noise standards in the operation of that Diesel Generator Sets. The State PCB will be the nodal agency for compliance and coordination. The State PCB may also take remedial action against operation of DG sets without requisite consent. If allow to operate, DG sets must adopt suitable safeguards consistent with the provisions of the Air Act. An action taken report may be filed within one month to the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

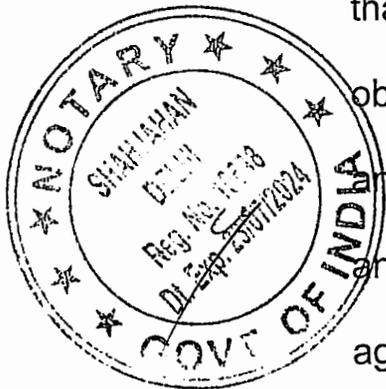
11. That pursuant to the said order the Regional Office, UP Pollution Control Board, Ghaziabad issued a notice on 22.10.2021 directing the Welfare Association to comply with the following:-



- To ensure installation of the Chimney of the Diesel Generator Set beyond the highest building of the campus in accordance with the guidelines of Central Pollution Control Board.

- A copy of the Environmental Clearance of the project and its compliance report.
- A copy of the NOC given by the Board for starting of project and the copy of permission for operation of water and air pollution and compliance report.
- Copy of the approved map of the project by Ghaziabad Development Authority.
- Description of sources of water supply and copy of permission.
- Description of treatment/disposal of sewage from households.
- Description of disposal of solid water.

12. That vide letter dated 10.11.2021 the Resident Welfare Association wrote to the Pollution Control Board that it was for the builder to comply with all the statutory obligation qua the society and builder had not handedover any statutory compliance/permission/licenses/certificates and further requested the Control Board to take action against the builder and get the requisite done by the builder and then submit compliance report to the Hon'ble National Green Tribunal.



13. That in view of the aforesaid development since a prayer with regards to the statutory compliance for the operation of the Diesel Generator Set was already made in the Writ Petition, it was prayed by the answering respondent before the Hon'ble Supreme Court that the pending Civil Appeal be heard for quietus of the issues involved therein by hear the matter on an earlier date.

A copy of the Early hearing application with all the annexures filed in Civil Appeal No. 2441/2015 is annexed herewith and marked as **ANNEXURE-R2**

That the Hon'ble Supreme Court was pleased to allow the early hearing application and the matter was listed for 22.03.2022, but the matter could not be listed on that date.

Now the matter is likely to be taken any day as per the convenience of the Hon'ble Court. A copy of the order dated 14.02.2022 passed by the Hon'ble Supreme Court in Civil

Appeal No. 2441/2015 is annexed herewith and marked as **ANNEXURE-R3.**



14. That the builder of the project has already charged the residents/buyers the cost of installation and operating the Diesel Generator Set in accordance with the prevailing rules. The petitioner association is facing severe resource fund as the builder has not transferred the security deposit collected from the members and the petitioner association has filed a writ petition before the Hon'ble High of Judicature at Allahabad (Writ -C No. 32183 of 2021) praying for transfer of the said security which amounts to more than 3 crores.

15. That it is a multi storied society if Diesel Generator Sets are stopped from operation, the residents residing at higher floors would face immense difficulty in day to day living including at the time of medical and other emergencies for old and infirm.

16. That since the compliance with rules were not done, the answering respondent the Resident Welfare Association had made a specific prayer in Writ Petition with regards to the Diesel Generator Set as quoted above and the instant Appeal arises out of the said Writ Petition.



17. That the Regional Officer, UP Pollution Board informed through a letter dated 31.03.2022 that the original application No. 242/2021 was again listed before this Hon'ble Tribunal on 16.03.2022 and a direction was passed which read as under:

“ ...4. We have given due consideration to the matter. Action needs to be taken in the light of the report and earlier orders of this Tribunal. We consider it in the interest of justice to require the State PCB to put WPRWA to notice who may file its response, if any, within one month

18. That in view of the aforesaid direction the respondent is filing the present response so that the residents who are grappling with the issue of pollution for the past 12 years due to the active collusion between the builder M/s Assotech Realty Pvt. Ltd. and Regional Officer, UP Pollution who has knowingly not taken any action against the builder under extraneous circumstances and has been putting pressure of the residents to pay for the compliance of the pollution rules twice after paying it to the builder at the time purchase of the flats before 2008. The UP. Pollution



Board did not inform about the matter being subjudice before the Hon'ble Supreme Court of India and that they are a respondent and were part of the fact finding local commissioner appointed by the Hon'ble Allahabad in the 2010.

19. That in view of the same this Hon'ble Tribunal may direct the developer M/s Assotech Realty Pvt. Ltd. to respond to the fact as to how without the CTO for operations the DG sets were installed in the year 2005-2013 without the stack pipes upto the level of 6 fts above the tallest building as per GSR 371(E); dated 17.05.2002 and Emission regulations Part IV: COINDS/26/1986-87 evolved by CPCB in violation of the law as has been reported in para 1 to 8 of the report filed by the UP Pollution Board dated 18.10.2021.

20. It is most humbly prayed that appropriate direction may be passed to the developer for compliance of the orders passed by this Hon'ble Tribunal and to also pay the environmental Compensation of Rs. 4,27,73,437.50 as mentioned by UP, Pollution Board because it was the duty of the developer to comply with the law and the Association



is only managing the society under the deemed transferred provision of the U.P. Apartment Act 2010.

21. That the accompanying response/reply have been drafted under my instructions and the same has been read over and explained to me in my vernacular. I further state that the averments therein are true and correct to my knowledge as derived from the record of the case and belief.

22. That the annexures filed along with the response/reply are true copies of their respective originals.

I identified the deponent who has signed it in my presence.
Verification:

03 JUN 2022

Chos
DEPONENT
Windsor Park Residents Welfare Association
WPRWA

Verified at New Delhi on thisday of 2022 that the contents of the aforesaid affidavit are true and correct to the knowledge as derived from the record of the case and belief. Nothing material has been concealed therefrom.

03 JUN 2022

Chos
DEPONENT
Windsor Park Residents Welfare Association
WPRWA



VERIFIED THAT THE DEPONENT
has solemnly affirmed before me at Delhi
on that the contents of the affidavit which
have been read & explained to me are
true and correct to his knowledge
78
Notary Public

WINDSOR PARK RESIDENTS WELFARE ASSOCIATION (Regd) 13

05, VAIBHAV KHAND, INDIRAPURAM, GHAZIABAD (U.P.) – 201014

Authorisation letter

In continuation to and confirmation of the resolution of the Board of Management of Windsor Park Residents Welfare Association (WPRWA) aka Windsor Park Apartment Owners Association, finalised and reached in its board meeting held on 27th Dec'2021, this authorisation letter is being issued by the Board of Management of WPRWA, in favour of its **Secretary, Mr. Shobhit Tyagi**, to file and pursue legal case against the **Uttar Pradesh State Pollution Control Board, M/s Assotech Realty Pvt. Limited** (Builder / Developer of Windsor Park residential society), **Mr. Satish Govind, and others** on behalf of the WPRWA, in general and also for the following related purposes:

1. Communicate, explain, interact and finalise the petition with the Lawyer(s) for setting aside of or as advised by the lawyer(s), the order of Hon'ble National Green Tribunal, to be filed in the Hon'ble National Green Tribunal and/or all constitutional / statutory forums
2. File all and/or any plaint, written statements, rejoinders, addendums etc., and appear, represent and attend all and/or any hearing in the Hon'ble National Green Tribunal and/or all constitutional / statutory forums pertaining to this petition, as advised by the Lawyer(s)
3. But shall not enter into any compromise and/or reduce the claim in any manner, from that which has been declared to and accepted by the Board of Management of WPRWA
4. And any other matter deemed necessary for the legal conclusion of the case in the best interests of the WPRWA, as advised by the Lawyer(s)

For Windsor Park Residents Welfare Association


(Shalini Saxena)
Vice President


Date : 1st June'2022

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISIDCTION

I.A. NO. 3790 OF 2022
IN
CIVIL APPEAL NO. 2441 OF 2015

IN THE MATTER OF :

Windsor Park Resident Welfare AssociationPetitioner

Versus

Vice Chairman, Ghaziabad Development
Authority & OthersRespondents

With

I.A. No. of 2022 An application for Exemption from filing
Official English Translation

PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)

Advocate for the Appellant

Santosh Mishra



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RECORD OF PROCEEDINGS

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- 4. Court Order dated _____
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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISIDCTION
I.A. NO. ...3790...OF 2022

IN

CIVIL APPEAL NO. 2441 OF 2015

IN THE MATTER OF :

Windsor Park Resident Welfare AssociationPetitione
Versus
Vice Chairman, Ghaziabad Development
Authority & OthersRespondents

In the Matter of:

An application for early hearing

To

The Hon'ble the Chief Justice of India
And Companion Justice of the
Hon'ble Supreme Court of India

The humble Petition of the
Petitioner above named.

MOST RESPECTFULLY SHOWETH AS UNDER:

1. That the Civil Appeal arises from the Special Leave Petition filed against the Final Judgment Order dated 16.12.2010 passed by the Hon'ble High Court of judicature at Allahabad in Civil Miscellaneous Writ No. 65358 of 2008.



2. That the appellant has stated the case in the Special Leave Petition and same are not repeated here for the sake of brevity. The appellant craves the leave of this Hon'ble Court to refer to and rely upon the contents of the Special Leave Petition for disposal of the petition.

3. That the matter came up for hearing on 12.05.2011, when this Hon'ble Court was pleased to issue notice to the respondents and was further pleased to pass an interim order as under:-

“During the pendency of the special leave petition, the Ghaziabad Development Authority –Respondent No. 1 shall not allow any further compounding of the construction made by respondent no. 5.”

A copy of the Order dated 12.05.2011 passed by this Hon'ble Court in SLP 13021 of 2011 is annexed herewith as **Annexure-A1.** (Page No. 2 to....)

4. That the matter came for hearing before this Hon'ble Court on 18.02.2015 when the Hon'ble Court was pleased to grant leave and expedite hearing in the following terms.

“ Leave granted.



Pending hearing of this appeal, the interim order passed by this Court shall continue.

The hearing of the appeal be expedited and be listed for hearing after one year.”

A copy of the Order dated 18.02.2015 passed in SLP No. 13021 of 2011 is annexed here with as **Annexure –A2**. (Page no. 13 to 14...).

5. The Civil Appeal is pending before this Hon'ble Court and yet to be finally heard.

6. That as stated aforesaid this Civil Appeal arises out of the Writ Petition No. 65358 of 2008 wherein one of the prayer made by the petitioner, the appellants herein was:

“ issue a writ, order or direction directing Respondent No. 4 to initiate action against M/s ASSOTECH REALTY Pvt. Ltd. for installing the Diesel Gensets in the green area without the mandatory heat insulated exhaust pipe upto the height of the G+22 floor building.”

Copy of the writ petition is annexed along with the main paperbook as Annexure P/.



7. That on 27.09.2021 one of the residents of the Windsor Park Society moved an application before the Hon'ble National Green Tribunal to take action against the Management Board of Windsor Park Residential Association and to direct the Association and State Pollution Control Board to ensure that this pollution is controlled either through mission control devices or raising the chimneys above roof heights or switching the CNG Generators or whatever other approved manner.

A copy of the complaint Original Application No. 242/2021 dated 27.09.2021 is annexed herewith as **Annexure -A3**.
(Page no.15..to30..)

8. That the matter came up for hearing on 18.10.2021 when the Hon'ble National Green Tribunal was pleased to pass the following directions:

“ 8. Accordingly, the CPCB, Stat PCB and the District Magistrate, Ghaziabad may take further remedial action to ensure compliance of air quality and noise standards in the operation of that Diesel Generator Sets. The State PCB will be the nodal agency for



compliance and coordination. The State PCB may also take remedial action against operation of DG sets without requisite consent. If allow to operate, DG sets must adopt suitable safeguards consistent with the provisions of the Air Act. An action taken report may be filed within one month to the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

A copy of the Order dated 18.10.2021 passed by the Hon'ble Green Tribunal in O.A. No. 242 of 2021 is annexed herewith as **Annexure –A4**. (Page no~~31~~ to~~32~~)

9. That pursuant to the said order the Regional Office, UP Pollution Control Board, Ghaziabad issued a notice on 22.10.2021 directing the Welfare Association to comply with the following:-

- To ensure installation of the Chimney of the Diesel Generator Set beyond the highest building of the campus in accordance with the guidelines of Central Pollution Control Board.


P. C. S.

- A copy of the Environmental Clearance of the project and its compliance report.
- A copy of the NOC given by the Board for starting of project and the copy of permission for operation of water and air pollution and compliance report.
- Copy of the approved map of the project by Ghaziabad Development Authority.
- Description of sources of water supply and copy of permission.
- Description of treatment/disposal of sewage from households.
- Description of disposal of solid water.

A translated copy of the notice dated 22.10.2021 is annexed herewith as **Annexure –A5**. (Page no ~~33~~ to ~~34~~)

10. That vide letter dated 10.11.2021 the Resident Welfare Association wrote to the Pollution Control Board that it was for the builder to comply with all the statutory obligation qua the society and builder had not handedover any statutory compliance/permission/licenses/certificates and further requested the Control Board to take action against the builder and get the requisite done by the builder



and then submit compliance report to the Hon'ble National Green Tribunal.

A translated copy of the response dated 10.11.2021 is annexed herewith as **Annexure -A6**. (Page no ~~35~~ to ~~37~~.)

11. That in view of the aforesaid development since a prayer with regards to the statutory compliance for the operation of the Diesel Generator Set was already made in the Writ Petition, it is most respectfully prayed that the pending Civil Appeal be heard for quietus of the issues involved therein.
12. That the builder of the project has already charged the residents/buyers the cost of installation and operating the Diesel Generator Set in accordance with the prevailing rules. The petitioner association is facing severe resource crunch as the builder has not transferred the security deposit collected from the members and the petitioner association has filed a writ petition before the Hon'ble High of Judicature at Allahabad (Writ -C No. 32183 of 2021) praying for transfer of the said security which amounts to more than 3 crores.



13. That it is a multi storied society. People living on higher floors are totally dependent on lift services both for day to day living as well as for medical and other emergencies. Stopping of diesel generator sets completely would affect not only daily life but also emergencies in case of disruption in power supply by Power Company.
14. That since the compliance with rules were not done, the Resident Welfare Association had made a specific prayer in Writ Petition with regards to the Diesel Generator Set as quoted above and the instant Civil Appeal arises out of the said Writ Petition.
15. That in view of the aforesaid it is most humbly prayed that an early date of hearing be fixed for the matter.
16. This Application is being filed bonafide and it is in the interest of the justice to allow the said application as prayed for.

In the facts and circumstances of the case and in the interest of justice this Hon'ble Court may graciously be pleased to :



- (i) fix an early date for hearing of Civil Appeal No. 2441 of 2015; or/and
- (ii) may pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT SHALL EVER PRAY.

FILED BY

NEW DELHI

DATE: 7.01.2022

(SANTOSH MISHRA)
ADVOCATE FOR THE APPELLANT

P. Mishra

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISIDCTION
I.A. NO.OF 2022
IN
CIVIL APPEAL NO. 2441 OF 2015

IN THE MATTER OF :

Windsor Park Resident Welfare AssociationPetitioner
Versus
Vice Chairman, Ghaziabad Development
Authority & OthersRespondents

AFFIDAVIT

I, Shobhit Tyagi, aged about 49 years s/o Late Bhudev Kaushik, R/o GH-53, Windsor Park, Indirapuram, Ghaziabad, do hereby solemnly affirm ad declare as under:

1. That I am the Secretary of the Applicant association, elected to the said post in June 2021 and in such capacity well conversant with the facts and circumstances of the case and am duly authorized to file the instant application and as such competent to swear this affidavit.
2. That the accompanying application for Early Hearing and the accompanying Interlocutory Applications have been drafted under my instructions and the same has been read over and explained to me in my vernacular. I further state



that the averments therein are true and correct to my knowledge as derived from the record of the case and belief.

3. That the annexures filed alongwith the application are true copies of their respective originals.

DEPONENT

Verification:

Verified at New Delhi on thisday of January 2022 that the contents of the aforesaid affidavit are true and correct to the knowledge as derived from the record of the case and belief. Nothing material has been concealed therefrom.

DEPONENT

A handwritten signature in black ink, appearing to be 'P. C. S.' or similar, written in a cursive style.

ITEM NO.25

COURT NO.11

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).13021/2011

(From the judgement and order dated 16/12/2010 in CMWP No.
65358/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

WINDSOR PARK R. W.A.

Petitioner(s)

VERSUS

VICE CHAIRMAN, GDA AND ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 12/05/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Dr. Rajeev Dhawan, Sr. Adv.
 Mr. Santosh Mishra, Adv.

For Respondent(s) Mr. Devesh Kumar, Adv.
 Mrs. Reena Singh, Adv.

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

Issue notice.

Mrs. Reena Singh, advocate accepts notice on behalf of respondent No.1.

During the pendency of this Special Leave Petition, the Gaziabad Development Authority-respondent No. 1 shall not allow any further compounding of the construction made by respondent No. 5.

(Pardeep Kumar) (S.S.R. Krishna)
Court Master Court Master

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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 (C) No(s). 13021/2011

(Arising out of impugned final judgment and order dated 16/12/2010 in CMWP No. 65358/2008 passed by the High Court Of Judicature at Allahabad)

WINDSOR PARK R. W.A.

Petitioner(s)

VERSUS

VICE CHAIRMAN, GDA AND ORS.

Respondent(s)

(with interim relief and office report)

Date : 18/02/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. Basant R., Sr.Adv.
Mr. Santosh Mishra, Adv.
Mr. Karthik Ashok, Adv.

For Respondent(s)

Mr. Anuvrat Sharma, Adv.

Mr. K.K. Rai, Sr.Adv.
Mr. Krishnanand Pandeya, Adv.

Mr. Ram Niwas, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. Nikilesh Ramachandran, Adv.

Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

For Chief Fire
Officer

Mr. Vibhu Tiwari, Adv.
Mr. Ravi Prakash Mehrotra, Adv.

Mr. V.V. Giri, Sr.Adv.
Mr. Pradeep Aggarwal, Adv.
Ms. Ruchi Kohli, Adv.

Signature Not Verified

Digitally signed by
Sukhbir Paul
Date: 2016.02.19
16:43:27
Reason

For impleadment

Mr. Krishnan Venugopal, Sr.Adv.
Mr. Atanu Mukherjee, Adv.
For Dr. Kailash Chand

For aff

)
For impleadment Mr. Jaideep Guptam Sr. Adv.
(Cabana) Mr. Lal Pratap Singh, Adv.
 Mr. Sarad Kumar singhania, Adv.

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

Leave granted.

Pending hearing of this appeal, the interim order
passed by this Court shall continue.

The hearing of the appeal be expedited and be listed
for hearing after one year.

(Sukhbir Paul Kaur)
Court Master

(Indu Pokhriyal)
Court Master

T.C

Paras

Item No. 07

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 242/2021

Satish Govind

Applicant

Versus

President and Secretary, Windsor Park
Residents Welfare Association & Anr.

Respondent(s)

Date of hearing: 18.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Satish Govind, Applicant in person

ORDER

1. Grievance in this application is against violation of air quality norms by operation of diesel generators by the Management Board of the Windsor Park Residents Welfare Association (WPRWA) at Ghaziabad, UP. It is stated that Windsor Park society has 12 towers of 10 to 23 floors, but the chimneys of all the DG sets end right above the DG sets and thereby all the exhaust emissions are released at the ground floor level. The chimneys are not extended to above the roof heights of the residential towers. Windsor Park Society has about 770 apartments. Many residents, particularly those living on the lower floors in all the towers, have been suffering for many years on account of this pollution. Many residents have complained to the Management Board of WPRWA verbally in meetings and in the Windsor Park social media forums to take

action to control such pollution, but the WPRWA has not taken any action.

2. We have heard the applicant in person and perused the application and documents annexed.

3. Potential for air pollution by diesel generator sets is well known. This requires effective safeguards and regulation by the statutory authorities for protection of public health and enforcement of rule of law. Air Act empowers the PCBs to take remedial action against operation of DG sets violating air quality norms. Penal code makes pollution generated thereby criminal offence and action can also be taken under section 133 CrPC by the Executive Magistrates, it appears that adequate remedial action is not being taken. Apart from the said provisions, Graded Response Action Plan (GRAP) has been notified by the Central Government for the NCR and approved by the Hon'ble Supreme Court, providing that the diesel generators cannot be operated when the air quality in NCR is very poor and above, normally between 15th October to 15th March. The relevant part of the GRAP is reproduced below:

<i>Very Poor (ambient PM_{2.5} OR PM₁₀ concentration value is between 121-250 ug/m³ or 351 ug/m³ respectively)</i>	<i>Agency responsible/Implementing Agency</i>
<i>Stop use of diesel generator sets</i>	<i>Chairpersons Delhi Pollution Control Committee, State Pollution Control Boards of Haryana, Rajasthan, Uttar Pradesh</i>

4. National Clean Air Programme (NCAP) of Government of India also envisages replacement of DG sets by gas operated generators and retrofitting of existing generators.

5. This Tribunal has also considered the issue of air pollution by generators in several matters including O.A. No. 681/2018, *In Re: News item published in "The Times of India" Authored by Shri Vishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15"*. The Tribunal directed constitution of Air Quality Monitoring Committees in all States/UTs to prepare and execute action plan for control of air pollution taking into account all pollution sources, including DG sets. In pursuance of order of this Tribunal dated 6.8.2019, statutory orders have been issued by some of the State PCBs.¹ For Ghaziabad and Noida DG sets have been banned in the manner mentioned in the orders in public domain.² Similar orders have been issued by many other PCBs.³

6. Orders passed by the Tribunal include direction for Data Grid for better planning and monitoring. Reference was also made to direction on the subject of constituting mechanism in all States similar to task force under the GRAP for NCR. The Tribunal noted that GRAPs were prepared outside NCR also by various States. Extracts from the order dated 8.4.2021 in the said matter, passed in continuation of earlier orders, are reproduced below:

"1to3...xxx.....xxx.....xxx"

4. *Categories of air quality and its adverse health effect can be noticed from following tables extracted from the judgment of the Hon'ble Supreme Court in Arjun Gopal & Ors. v. UOI & Ors.⁴:*

Table 1

AQI	Associated Health Impacts
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¹ Vide order dated 25.6.2020 Haryana PCB directed that all DG sets with capacity of 500KVA must retrofit emissions control equipments having minimum specified capturing efficiency of 70%

https://hspcb.gov.in/content/Consent_Policy_Procedure/NCAP-DG-Sets_25.06.2020.pdf

² <https://www.indiatvnews.com/news/india/delhi-noida-ghaziabad-diesel-genset-ban-people-high-rises-suffer-face-problem-658249>

³ <https://www.newindianexpress.com/states/karnataka/2021/sep/27/pollution-control-devices-mandatory-for-generators-inkarnataka-2364165.html>

⁴ (2017) 1 SCC 412

Good (0-50)	Minimal impact.
Satisfactory (51-100)	May cause minor breathing discomfort to sensitive people.
Moderately polluted (101-200)	May cause breathing discomfort to people with lung disease such as asthma, and discomfort to people with heart disease, children and older adults.
Poor (201-300)	May cause breathing discomfort to people on prolonged exposure, and discomfort to people with heart disease.
Very Poor (301-400)	May cause respiratory illness to the people on prolonged exposure. Effect may be more pronounced in people with lung and heart diseases.
Severe May (401-500)	May cause respiratory impact even on healthy people, and serious health impacts on people with lung/heart disease. The health impacts may be experienced even during light physical activity.

Table 2

AQI Category, Pollutants and Health Breakpoints								
AQI category (Range)	PM ₁₀ 24- hr	PM _{2.5} 24- hr	NO ₂ 24- hr	O ₃ 8- hr	CO 8-hr (mg/m ³)	SO ₂ 24- hr	NH ₃ 2- 4-hr	Pb 24-hr
Good (0-50)	0-50	0-30	0-40	0-50	0-1.0	0-40	0-200	0-0.5
Satisfactory (51-100)	51-100	31-60	41-80	51-100	1.1-2.0	41-80	201- 400	0.5- 1.0
Moderately polluted (101- 200)	101-250	61-90	81-180	101- 168	2.1-10	81-390	401- 800	1.1- 2.0
Poor (201-300)	251-350	91-120	181-280	169- 208	10-17	381- 800	801- 1200	2.1- 3.0
Very poor (301- 400)	351-430	121-250	281-400	209- 748*	17-34	801- 1600	1200- 1800	3.1- 3.5
Severe (401- 500)	430+	250+	400+	748+*	34+	1600+	1800+	3.5+

5. The Air Act stipulates stopping of any activity violating norms of air quality and taking steps for prosecution or other regulatory measures⁵ which have been read to include recovery of compensation on 'Polluter Pays' principle⁶. National Ambient Air Quality Standards are laid down under Section 16(2)(h) of the Air Act. Notification dated 18.11.2009, issued by the CPCB is as follows:

"In exercise of the powers conferred by Sub-section (2) (h) of section 16 of the Air (Prevention and Control of Pollution) Act, 1981 (Act No. 14 of 1981), and in super session of the Notification No(s). S.O. 384(E), dated 11th April, 1994 and S.O. 935(E), dated 14th October, 1998, the Central Pollution Control Board hereby notify the National Ambient Air Quality Standards with immediate effect, namely:-

⁵ Section 22 read with Section 31A of the Air Act and

⁶ Aryavart Foundation Vs. M/s Vapi Green Enviro Limited & Ors. O.A No. 95/2018, Indian Council for Enviro Legal Action & Ors. v. Union of India & Ors. (1996) 3 SCC 212 Para 16, Vellore Citizens Welfare Forum v. Union of India & Ors. (1996) 5 SCC 647 Para 12 to 18 - holding that 'Polluter Pay' principle is accepted principle and part of environmental law of the country, even without specific statute.

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NATIONAL AMBIENT AIR QUALITY STANDARDS

S. No.	Pollutant	Time Weighted average	Concentration in Ambient Air		Methods of Measurement
			Industrial, Residential, Rural and Other Area	Ecologically sensitive area (notified by Central Govt.)	
(1)	(2)	(3)	(4)	(5)	(6)
1	Sulphur Dioxide (SO ₂), mg/m ³	Annual*	50	20	<ul style="list-style-type: none"> • Improved West and Geake • Ultraviolet fluorescence
		24 hours**	80	80	
2	Nitrogen Dioxide (NO ₂), mg/m ³	Annual*	40	30	<ul style="list-style-type: none"> • Modified Jacob & Hochheiser (Na-Arsenite) • Chemiluminescence
		24 hours**	80	80	
3	Particulate Matter (size less than 10 μm) or PM ₁₀ mg/m ³	Annual*	60	60	<ul style="list-style-type: none"> • Gravimetric • TOEM • Beta attenuation
		24 hours**	100	100	
4	Particulate Matter (size less than 2.5 microns) or PM _{2.5} mg/m ³	Annual*	40	40	<ul style="list-style-type: none"> • Gravimetric • TOEM • Beta attenuation
		24 hours**	60	60	
5	Ozone (O ₃) mg/m ³	8 hours **	100	100	<ul style="list-style-type: none"> • UV photometric • Chemiluminescence • Chemical method
		1 hour **	180	180	
6	Lead (Pb) mg/m ³	Annual*	0.5	0.5	<ul style="list-style-type: none"> • ASS / ICP method after sampling on EPM 2000 or equivalent filter paper • ED - XRF using Teflon filter
		24 hours**	1.0	1.0	
7	Carbon Monoxide (CO) mg/m ³	8 hours**	2	2	Non Dispersive Infra RED (NDIR) Spectroscopy
		1 hour**	4	4	
8	Ammonia (NH ₃) mg/m ³	Annual*	100	100	<ul style="list-style-type: none"> • C hemi
		24 hours**	400	400	
9	Benzene (C ₆ H ₆) mg/m ³	Annual*	5	5	<ul style="list-style-type: none"> • Gas chromatography
10	Benzo (a) Pyrene (BaP) - particulate phase only ng/m ³	Annual*	1	1	Solvent extraction followed by HPLC / GC analysis
11	Arsenic (As) ng/m ³	Annual*	6	6	AAS / ICP method after sampling on EPM 2000 or equivalent filter paper

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12	Nickel (Ni) ng/m ³	Annual*	20	20	AAS / ICP method after sampling on EPM 2000 or equivalent filter paper
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* Annual arithmetic mean of minimum 104 measurements in a year at a particular site taken twice a week 24 hourly at uniform intervals.

** 24 hourly or 8 hourly or 1 hourly monitored values, as applicable, shall be complied with 98% of the time in a year. 2% of the time, they may exceed the limits but not on two consecutive days of monitoring.

Note: Whenever and wherever monitoring results on two consecutive days of monitoring exceed the limits specified above for the respective category, it shall be considered adequate reason to institute regular or continuous monitoring and further investigation."

"6to8..xxx.....xxx.....xxx"

9. In *M.C. Mehta v. UOI*, it was observed:

"1. The urgency for protection and improvement of the environment etc. has not been doubted for a long time. After the Stockholm Conference, 1972, in India several legislative steps have been taken for implementation of the programme. In addition to Article 47 in Part IV of the Constitution which imposes a duty on the State to improve the public health mentioned as one of the primary duties. Article 48A was inserted by the Constitution (42nd Amendment) Act, 1976 with effect from 3-1-1977 expressly to the effect that "the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country". Thereafter, the Environment (Protection) Act, 1986 (the Act) was enacted to provide for the protection and improvement of the environment and for matters connected therewith. The Statement of Objects and Reasons emphasises the world-wide concern over the decline in environmental quality and the urgency of steps required for the protection and improvement of the environment. It is clear that the possibility of any deterioration in the environmental quality was excluded and emphasis at the minimum was on protection with the endeavour to improve the then existing state of environmental quality. Any further decline in the environmental quality at least after the enactment of the Act is undoubtedly a failure to perform this obligation by the State, contrary to the constitutional scheme.

2. It cannot be disputed by anyone that there has been considerable further decline in the environmental quality even after enactment of the Environment (Protection) Act, 1986, notwithstanding the resolve to prevent which the constitutional amendment was given effect to by enactment of the statute.

3. Even a cursory perusal of the provisions of the enactment reveal the emphasis on the need for not mere protection but also improvement of the environmental quality. The definitions including that of "environment" in Section 2 of the Act, the extent of the powers of the Central Government in Section 3 and the further power to give directions in Section 5 are alone sufficient to indicate the high degree of duty imposed on the State for which large powers are given to enable discharge of that duty. We may refer in particular to Sub-section (3) of Section 3 which confers powers on the Central Government to constitute an authority or authorities considered necessary or expedient by it for the purposes of this Act and the further power to give directions under Section 5.

4. In spite of a number of matters, including this writ petition of 1985 having been brought in the Court as PIL, the required attention does not appear to have been paid by the authorities concerned to take the steps necessary for discharge of this duty imposed on the State by the provisions mentioned above except for the enactment of the said statute. The least which ought to have been done in this direction was to constitute a high-power committee at the national level of eminent persons and to ensure Constitution of similar authorities at the State level in exercise of the power given by Sub-section (3) of Section 3 of the Act to ensure that the object of the enactment was duly served. The several aspects of the environment which this Court is required to deal with in this writ petition are all covered not merely by the general provisions in Sub-section (1) of Section 3 but also by the specific matters specified in Sub-section (2) thereof. It is only on account of the absence of the authority/authorities contemplated under Sub-section (3) of Section 3 that this Court is required to deal with these matters in this writ petition and several other similar writ petitions pending in this Court, in addition to those which are pending in different High Courts. It is also a matter of concern that notwithstanding the pendency of these matters in this Court for so long no steps have been taken as yet by the Central Government for the Constitution of the authority/authorities contemplated by Sub-section (3) of Section 3 so that even now these matters can be taken care of by the authorities intended for the purpose.

5. It is undoubtedly a matter of universal concern that the quality of the environment continues to deteriorate even now. Any further delay in the performance of its duty by the Central Government cannot, therefore, be permitted. Suitable directions by the Court to require performance of its duty by the Central Government is mandated by the law and have, therefore, now to be given. We consider it appropriate that before issuing such directions, the Central Government should be given one more opportunity to indicate all the measures taken by it so far for discharge of the duty enjoined on it by the above provisions in Part IV of the Constitution and the Environment (Protection) Act, 1986.

6. It need hardly be added that the duty cast on the State under Articles 47 and 48A in particular of Part IV of the Constitution is to be read as conferring a corresponding right on the citizens and,

Per Curiam

therefore, the right under Article 21 at least must be read to include the same within its ambit. At this point of time, the effect of the quality of the environment on the life of the inhabitants is much too obvious to require any emphasis or elaboration.

7. We may also add that the Central Government in addition to stating all the steps taken so far, as indicated above, must also place before the Court the national policy, if any, drawn up in this behalf for the protection and improvement of the environment and the steps it proposes to take to restore the quality of the environment at least to the level at which it existed in 1977 together with the time-frame for the implementation of the programme. These particulars be furnished on the affidavit of the Secretary, Ministry of Environment and Forests, Government of India."

CAP and GRAP for NCR

10. The Tribunal also referred to a Comprehensive Action Plan (CAP) for air pollution control for NCR prepared in pursuance of order of the Hon'ble Supreme Court dated 06.2.2017 by the Environment Pollution (Prevention and Control) Authority (EPCA) in consultation with the CPCB and Delhi Pollution Control Committee (DPCC) on 05.04.2017⁷ and Graded Response Action Plan (GRAP) notified by the MoEF&CC on 12.01.2017 stipulating specific steps for different levels of air quality such as **improvement in emission and fuel quality and other measures for vehicles, strategies to reduce vehicle numbers, non-motorised transport network, parking policy, traffic management, closure of polluting power plants and industries including brick kilns, control of generator sets, open burning, open eateries, road dust, construction dust, etc.**⁸

"11...xxx.....xxx.....xxx

12. The GRAP categorises levels of pollution as severe plus, severe, very poor, moderate to poor. The action to be taken in such situations includes **stopping entry of trucks, stopping construction activities, odd and even scheme of private vehicles, shutting of schools, closing of brick kilns, stone crushers, hot mix plants, power plants, intensifying public transport services, mechanized cleaning of road, and sprinkling of water, stopping the use of diesel generator sets, enhancing parking fees, etc.**

13. The MoEF&CC has by various notifications put **restrictions on activities in Coastal areas, Flood plains, Taj corridor Eco-sensitive zones, etc. in view of ecological sensitivity and impact of such activities on environment if such activities are**

⁷ Report No.71, EPCA-R/2-17/L-21, Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh.

⁸ S.O.118(E), Notification, Ministry of Environment, Forest and Climate Change

carried out in unregulated areas. This needs to be extended to the NACs in view of impact on public health and environment to give effect to the 'Precautionary' and 'Sustainable Development' principles. Some of the well-known sources of air pollution are:

1. Construction activity and carriage of construction material.
2. Mining and transportation of mined material.
2. Burning of Municipal Solid Waste and other waste.
3. Burning of agriculture residue.
4. Bursting of crackers.
5. Vehicular Pollution
6. Diesel gen-sets
7. Dust on the roads.
8. Industrial and power house emissions including fly-ash.
9. Emissions from coal fired activities brick kilns, Hot-Mix Plants and Stone Crushers."

"14to29...xxx.....xxx.....xxx

"30. The report shows progress under 17 specific heads. With regard to installing 175 monitoring stations, it is stated that 20 new CAAQMs have been installed and 25 approved. SA and CC studies are underway. There is partial progress on shifting polluting activities out of non-conforming areas. PGRPs have been developed by several States and other States have yet to do the same. **Two more cities have been added to the list of NACs and actions plans for the NACs have been mostly prepared.** Status of execution of action plans is not very clear. Micro level planning has been done for some cities. Gaps in plans and execution remain to be addressed. The issue of revising NCAP and CAMPA Funds is still to be addressed. Certain steps have also been taken for control of noise pollution, including procurement of noise monitoring devices and limiters. Emergency response systems have been partly developed. Directions issued for utilizing 'Consent' and 'EC' funds and for bioremediation of legacy waste dump sites. Carrying capacity of road infrastructure to determine parking capacity is being dealt with by the Ministry of Road Transport and Highways and Urban Development Departments. Environment Cells have been set up by some of the Chief Secretaries. **The report does not indicate the reduction in pollution level in any of the NACs as a result of steps so far taken. Similarly, with regard to noise pollution control, no tangible progress has been shown.** Progress on SA and CC studies is highly inadequate. Preventive and remedial measures for stubble burning need to be planned in advance for effective control of pollution. CPCB needs to undertake finger printing and bio-marker analysis along with SA studies. While the report has stated that under heading (ix) that a separate report will be filed on the subjects of modification of NCAP, utilization of CAMPA Funds by undertaking special afforestation drive, no such separate report has been filed.

"31to41...xxx.....xxx.....xxx

42. The data grid for continuous information will go a long way in dealing with the problem. As already noted in Para 20 above, there is need for National, State, District Environmental Data Grids giving the data of air quality. Apart from improving environment, this is necessary to enforce right of the citizens to information about air quality in different areas. Based on the level of pollution, categories of cities/districts need to be appropriately classified such as 'red', 'orange' and 'green'. Further, based on such data National Air Quality Atlas may be compiled and published on the websites of MoEF&CC, CPCB and State PCBs/PCCs and updated from time to time.

"43to46...xxx.....xxx.....xxx

47. Final success of execution of action plans depends on graph of reduced pollution load. This requires monitoring at highest levels in Districts, States and at the national level by coordination of all concerned departments. There is constitutional obligation of good governance and a duty to citizens to enforce their right of breathing fresh air. Absence of adequate remedial action is resulting in deaths and diseases which are like pandemic or like causing of homicide or grievous hurts with no accountability. Main sources of air pollution have been identified and remedial measures also articulated.

"48to51...xxx.....xxx.....xxx

52. As already mentioned, pollution free environment is part of right to life. Air pollution beyond norms seriously affects health and environment. In spite of statutory mechanism and orders of the Hon'ble Supreme Court and other Courts/Tribunal, the challenge of pollution from different sources, including vehicular pollution, industrial and construction sector pollution, power sector pollution, agriculture sector pollution remains. Graded Action Response Plan (GRAP) has been issued for National Capital Region (NCR) in pursuance of directions of the Hon'ble Supreme Court stipulating steps to be taken for controlling/regulating several polluting activities depending upon the level of pollution.

53. In *Arjun Gopal & Ors. v. UOI & Ors.*⁹, it was observed that the residents of NCR faced severe air quality standards which were worst in the World. It had serious adverse health impact. Life of citizens in NCR had been brought to virtual standstill. The Capital was smoked into an environmental emergency of unseen proportions. It will be appropriate to extract some observations from the judgment:-

"4. The onset of winter and the festival/marriage season this year, presented to the residents of NCR severe concerns regarding the air quality standards. According to reports, the air quality standards in early November of this year were the worst in the world. It is reported that the PM_{2.5} levels recorded were

⁹ (2017) 1 SCC 412



“beyond scale” values (see India's Air Quality Among World's Worst Over Diwali Weekend: Report. 4-11-2016, Hindustan Times). The report indicates that 24-hour average of PM_{2.5} levels in South Delhi in 2016 were 38% higher than on the Diwali night of 2015. The day after Diwali, these levels were twice as high as the day after Diwali in 2015, crossing 650 µg/m³, which is 26 times above the WHO's standards or levels considered safe. Shockingly, on the morning of 1-11-2016, Delhi woke up to an average PM_{2.5} level of over 700 µg/m³ — some of the highest levels recorded the world over and 29 times above WHO standards. The report further states that the WHO guideline for 24-hour average PM_{2.5} levels is 25 µg/m³ and with an annual average PM_{2.5} level of 122 µg/m³, Delhi's air is the worst among global megacities with dense populations. We have particularly referred to the PM 2.5 levels because of the extreme effects and near invisibility of this type of particulate matter. PM_{2.5} or particulate matter 2.5 (PM_{2.5}), refers to tiny particles or droplets in the air that are two-and-one-half microns or less in width. It may be noted that the widths of the larger particles in the PM_{2.5} size range would be about thirty times smaller than that of a human hair. These particles primarily emanate from vehicle exhausts and other operations that involve the burning of fuels such as wood, heating oil or coal, and of course, use of fire crackers.

5. In India, air quality standards are measured in terms of the Air Quality Index (hereinafter “AQI”). The AQI was launched in India on 17-10-2014 by the Ministry of Environment and Forests. According to the press release of the Press information Bureau of the same date, it consists of a comprehensive set of parameters to monitor and asses the air quality. The AQI considers eight pollutants (PM₁₀, PM_{2.5}, NO₂, SO₂, CO, O₃, NH₃, and Pb), and based on the levels of these pollutants six categories of AQI ranging from “Good” to “Severe” have been prescribed. The index also suggests the health effects of the pollution categorywise. The gradation of AQI and its health impact is extracted below:

Tables 1 and 2 have already been reproduced above and are not being repeated.

xxx.....xxxxxx
 xxx.....xxxxxx

6. Reports indicate that AQI in Delhi was much above the severe standard, shooting off the AQI 500 mark on many days this November. On the day after Diwali, it was more than 14 times the safe limits (see Delhi's Pollution Levels Peaks at 14-16 Times Safe Limits, 31-10-2016, The Hindu). The adverse health effects of these hazardous levels of pollution are only too evident from the table given above. We do not intend to refer to the multiplicity of reports and data on this front.

7. The hazardous levels of air pollution in the last few weeks have spared very few from its ill effects. The life of the citizens of NCR was brought to a virtual standstill, not to speak about the plight of the thousands of mute flora and fauna in NCR. Schools were declared shut, denizens of the city advised to stay indoors, construction activities stopped, power stations shut and ban imposed on burning of garbage and agricultural waste. The fall in air quality has had a significant impact on people's lifestyle as well. The rising costs to protect against air pollution are substantial. It has come to our notice that people are queuing up to purchase protective masks and air purification systems in the wake of dense smog all over the NCR. In short, the capital was "smogged" into an environmental emergency of unseen proportions.

8. The adverse effects of these extreme levels of air pollution spare no one — the young, the old, the infirm and even the future generations. A study of the data of the Global Health Depository of the World Health Organisation reveals that India has the world's highest death rate from chronic respiratory diseases and that about 1.5 million people in India die annually due to indoor and outdoor pollution (see *Delhi Wakes up to an Air Pollution Problem it cannot Ignore*, 15-2-2015, *The New York Times*). The Kolkata-based Chittaranjan National Cancer Institute (CNCI), in a study commissioned and handed over to the Central Pollution Control Board, found that key indicators of respiratory health, lung function to palpitation, vision to blood pressure, of children in Delhi, between four and 17 years of age, were worse off than their counterparts elsewhere. It also found that more than 40% of the school children suffer from lung damage (see *Landmark Study Lies Buried*, 2-4-2015, *The Indian Express*). We note with apprehension that there are nascent studies that suggest that pollution can lower children's IQ, hurt their test scores and increase the risks of autism, epilepsy, diabetes and even adult-onset diseases like multiple sclerosis (see *Holding Your Breath in India*, 29-5-2015, *The New York Times*).

9. It has been brought to our notice that the severe air pollution in the NCR is leading to multiple diseases and other health related issues amongst the people. It is said that the increase in respiratory diseases like asthma, lung cancer, bronchitis, etc. is primarily attributable to the worsening air quality in the NCR. The damage being caused to people's lungs is said to be irreversible. Other health related issues like allergies, temporary deafness are also on the rise. Various experts have pointed towards multiple adverse effects of air pollution on human health like premature deaths, rise in mortality rates, palpitation, loss of vision, arthritis, heart ailments, cancer, etc.

10. When we refer to these extreme effects, we are not merely referring to the inconvenience caused to people, but to

abject deprivation of a range of constitutionally embedded rights that the residents of NCR ought to have enjoyed. Needless to state, the grim situation of air quality adversely affected the right to education, work, health and ultimately, the right to life of the citizens, and this Court is constitutionally bound to address their grave concerns. May we remind ourselves, that this is not the first time that this Court was impelled into ensuring clean air for the citizens of the capital region (see M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1998) 6 SCC 60], [M.C. Mehta v. Union of India, (1998) 9 SCC 589], [M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1998) 8 SCC 648] and M.C. Mehta v. Union of India [M.C. Mehta v. Union of India, (1998) 8 SCC 206].)

“54to57...xxx.....xxx.....xxx

58. In the light of above detailed discussion, holistic and coordinated efforts at all levels in the government is dire need of the hour. Accountability in terms of adverse entries in the ACRs and recovery of compensation for non-compliance are imperative for fixing accountability. This requires authorities at higher level to function as trustees for discharge of constitutional and statutory obligation to the citizens. There is no other magic wand to protect people against acknowledged sorry state of affairs. As shown from the observations of Hon'ble Supreme Court quoted in para 37 above, India has world's highest death rate from chronic respiratory diseases. About 1.5 million people in India die annually due to air pollution. The Hon'ble Supreme Court also observed that 40% school children suffer from lung damage. Air pollution can lower children's IQ, hurt their test scores and increase the risks of autism, epilepsy, diabetes and even adult-onset diseases. Severe air pollution is leading to diseases and irreversible damage to health. There are other health related issues like allergies, temporary deafness. Various experts have pointed towards multiple adverse effects of air pollution on human health like premature deaths, rise in mortality rates, palpitation, loss of vision, arthritis, heart ailments, cancer, etc. This is resulting in deprivation of constitutionally embedded rights. Grim situation is affecting right to education, work, health and ultimately, the right to life of the citizens. There are further reports¹⁰ that air pollution is resulting in fatalities and

¹⁰(i) Air pollution killed 1.7 million Indians in 2019: Lancet report: (<https://www.downtoearth.org.in/news/air/amp/air-pollution-killed-1-7-million-indians-in-2019-lancet-report-74737#aoh=16178975512221&referrer=https%3A%2F%2Fwww.google.com&tf=From%20%251%24s>)
(ii) AIR POLLUTION RELATED DISEASE, DEATHS COST INDIA RS 260,000 CRORES IN ECONOMIC LOSS: REPORT (<https://www.firstpost.com/tech/science/air-pollution-related-disease-deaths-cost-india-rs-260000-crores-in-economic-loss-report-9159281.html>)
(iii) 1.7 million deaths in India were attributable to air pollution in 2019, says study: (<https://www.thehindu.com/news/national/17-million-deaths-in-india-were-attributable-to-air-pollution-in-2019-says-study/article33394600.ece>)

economic losses. Remedial action is thus utmost for protecting health of the citizens.

59. **The matter has been monitored by the Tribunal for about two and a half years. Primarily the Tribunal is an adjudicatory body and beyond giving directions necessary for protection of environment under section 15 of the NGT Act, execution has to be by administrative authorities. Under public trust doctrine, the State authorities are under obligation to take effective measures to control pollution. Tribunal monitoring cannot be for indefinite period. Road map has crystalised to an extent. The Tribunal has formulated direction and conducted review five times with the assistance of data available with it. The ownership of monitoring must be now taken over by the statutory and administrative authorities for enforcement of rule of law for which a national level task force needs to be constituted. Thus, we find it necessary to give effect to the principle of Sustainable Development, in the interest of protection of environment and public health, to direct constitution of an eight-member National Task Force (NTF) to be headed and coordinated by the Secretary MoEF&CC with nominees of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and CPCB with a view to monitor remedial steps to improve the status of air quality in NACs consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal, referred to above and also to monitor compliance of noise control norms. The NTF may hold its first meeting within one month and thereafter evolve mechanism for monitoring by quarterly meetings with Chief Secretaries of concerned States/UTs. The NTF may coordinate and work in tandem with the Committees already constituted under NCAP at National and State levels. Needless to say that the Chief Secretaries must continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs so as to effectively provide positive feedback to the NTF. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers.”**

7. In view of above, apart from taking action for enforcement of GRAP for stopping the functioning of Diesel Generator Sets when air quality is

(iv) Air pollution in India caused 1.67 million deaths in 2019: (<https://www.news-medical.net/news/20201223/Air-pollution-in-India-caused-167-million-deaths-in-2019.aspx>)
 (v) Air pollution caused 54,000 deaths, \$8.1 billion loss in Delhi in 2020 : (<https://www.businesstoday.in/current/economy-politics/air-pollution-claimed-54000-lives-in-delhi-last-year-one-death-per-500-people-claims-greenpeace-study/story/431766.html>)

P. M. A. S.
21

very poor and above, there is need for adopting safeguards in view of potential for pollution to maintain the air quality standards. DG sets have to comply with the notified Emissions and Noise standards and maintain stack heights. This is more so when meteorological conditions result in hazy situation caused inter alia by dust and bursting of crackers during winter, as noted in orders of this Tribunal dated 1.12.2020 in OA 249/20 and dated 3.12.20 in OA 283/20. There is thus need for the statutory authorities to keep constant watch on air quality and take necessary remedial action as per law.

8. Accordingly, the CPCB, State PCB and the District Magistrate, Ghaziabad may take further remedial action to ensure compliance of air quality and noise standards in the operation of that Diesel Generator Sets. The State PCB will be the nodal agency for compliance and coordination. The State PCB may also take remedial action against operation of DG sets without requisite consent. If allowed to operate, DG sets must adopt suitable safeguards consistent with the provisions of the Air Act. An action taken report may be filed within one month to the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 18.01.2022.

A copy of this order be forwarded to the CPCB, State PCB and the District Magistrate, Ghaziabad by e-mail for compliance.

The applicant may serve a set of papers on the members of the joint committee and the contesting parties (the DG set operators) and file affidavit of service within one week.

Adarsh Kumar Goel, CP.



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Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 18, 2021
Original Application No. 242/2021
SN

T.C

A handwritten signature in black ink, appearing to read "Pooja" with a stylized flourish below it.

47

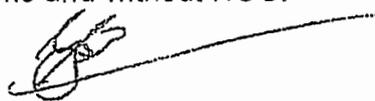
To The
Honorable National Green Tribunal
Principal Bench (New Delhi)

Dated: 27/09/2021

Respected Sir/Madam,

This is to submit my following complaint in respect of severe air pollution and serious health hazard for many years to me, my family members, and many residents of my housing society as detailed below. I have separately submitted Form-1 duly completed and signed.

1. Name of complainant (myself): SATISH GOVIND
2. Address of complainant (myself): Flat D-013, Windsor Park, 5 Vaibhav Khand, Indirapuram, Ghaziabad, Uttar Pradesh-201014
3. Phone number of complainant (myself): 9810200709
4. Email ID of complainant (myself): SATISHGOVIND305@GM.AIL.COM
5. Place of pollution: Windsor Park Residential Society, 5 Vaibhav Khand, Indirapuram, Ghaziabad, Uttar Pradesh-201014
6. Nature of pollution: Air pollution caused by poisonous exhaust gas emissions from six 320/500kva capacity diesel generator sets.
7. Parties against whom this complaint is being made: President and Secretary, Windsor Park Residents Welfare Association Management Board, Ground Floor, Cabanas Tower B, Windsor Park, 5 Vaibhav Khand, Indirapuram, Ghaziabad, Uttar Pradesh-201014
8. Complaint details:
 - a. For more than six years from April 2015 till date, the Management Board of the Windsor Park Residents Welfare Association (WP RWA) has been operating six 320/500kva capacity diesel generator sets violating all pollution control norms and without NOC.



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- b. Windsor Park society has 12 towers of 10 to 23 floors, but the chimneys of all the DG sets end right above the DG sets and thereby all the exhaust emissions are released at the ground floor level. The chimneys are not extended to above the roof heights of the residential towers as mandated by law. I have attached some photos showing the same. Nor have emission control devices been provided in these DG sets.
 - c. Windsor Park Society has about 770 apartments. Many residents, particularly those living on the lower floors in all the towers, have been suffering for many years on account of this pollution. Many residents have many times till now for many years complained to the Management Board of WPRWA verbally in meetings and in the Windsor Park social media forums to take action to control such pollution, but the WPRWA has not taken any action on this. I have attached photos of a few such complaints.
 - d. I have also submitted my Email complaint on this to the Regional Officer, Ghaziabad, UPPCB. I have attached a copy of the same.
 - e. I therefore humbly appeal to you to immediately take strictest action against the Management Board of WPRWA and direct the WPRWA/UPPCB to urgently take all measures to ensure that this pollution is controlled, either through emission control devices or raising the chimneys above roof heights or switching to CNG generators or whatever other approved manner. We shall be grateful to you for your help in the matter.

Thank you.



Satish Govind, owner and resident, Windsor Park

T.C



True Translation of letter from UPPCB**Regional Office, U.P. Pollution Control Board, Ghaziabad**Reference No: 1323/Sa. Patra. 74/2021

Dated: 22/10/2021

M/s Windsor Park Group Housing Society,**Vaibhav Khand, Indirapuram, Ghaziabad****Subject : In relation to compliance of provisions of Water (Pollution prevention & control) Act, 1974 and Air (Pollution prevention & control) Act, 1981**

With reference to a complaint regarding pollution being caused due to absence of chimneys on DG Sets installed in your campus, filed by Shri Satish Govind, R/o D-013, Windsor Park, Vaibhav Khand, Indirapuram, Ghaziabad, the D.G. Sets installed in your campus were inspected by officers authorised by above office on 22.10.2021. During the inspection it was found that in the event of electricity disruptions, 8 No. of DG sets (625KVA x 2, 500KVA x 5 & 320KVA x1) do have acoustic enclosure but the chimneys were not found to be installed on any of the D.G. Sets, and the project has no approvals from the Board for Water/Air which is violation of the subject matter.

In view of the above you are directed hereby to comply with the following point:

- Ensure installation of chimneys on DG sets in the campus or having a height of 0.2√KVA of the highest building in proximity, as per guidelines of Central Pollution Control Board
- Copy of the environmental clearance granted to the project and compliance report
- Copy of No Objection certificate for Project development from Board and Water / Air approvals received for operation and compliance report
- Copy of the Sanctioned plan of the project approved by Ghaziabad Development Authority, Ghaziabad
- Details of water supply source to meet water requirement of Project and copy of permission
- Details of treatment and disposal system of domestic sewage generated in the project



- Details of disposal of urban solid waste from the project

Please ensure submission of a time bound proposal for installation of chimneys on DG sets and compliance of above written points to this office within 03 days of receipt of this letter. Otherwise in the event of violation action will be taken against the project under specified provisions of the law the whole responsibility of which shall lie upon the project and officers responsible for project

Sincerely

(Utsav Sharma)

Regional Officer

Copy to

1. District Magistrate, Ghaziabad, for kind information
2. Chief Environment Officer (Circle-1), UP Pollution Control Board, Lucknow for kind information and future necessary action
3. Complainant Shri Satish Govind, Flat No. D-013, Windsor Park, Vaibhav Khand, Indirapuram, Ghaziabad, for information

Regional Officer

T. C



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WINDSOR PARK RESIDENTS WELFARE ASSOCIATION (Reg'd)

05, VAIBHAV KHANDB, INDIRAPURAM, GHAZIABAD (U.P.) – 201014

True Translation of letter to UPPCB

To
The Regional Officer,
Uttar Pradesh Pollution Control Board,
Vasundhara, Ghaziabad, Uttar Pradesh

Date : 10.11.2021

Subject : Your letter number 1323/Sa. Patra. 74/2021, dated 22/10/2021

Sir,

For the resolution of all the points raised in your letter number 1323/Sa. Patra. 74/2021, dated 22/10/2021, the contemporaneous board of the undersigned had filed a petition in the Allahabad High Court in 2009 against M/s Assotech Realty Pvt. Limited (Builder) for air pollution being caused due to absence of chimneys on D.G. Sets. A local commissioner comprising of IIT Delhi, Civil Department and an Advocate was appointed by the Hon'ble Allahabad High Court, who inspected the Windsor Park Society and submitted a report. Presently, the said matter is pending adjudication before the Hon'ble Supreme Court in SLP – 13021/2012

It would be relevant to note that officers of your department too were present when the Local Commissioner appointed by the Hon'ble High Court inspected the premises and collected information regarding the air pollution caused due to absence of chimneys on D.G. Sets, but your department has not initiated any action against M/s Assotech Realty Pvt Limited for air pollution being caused due to absence of chimneys on D.G. Sets under Air (Prevention and Control of Pollution) Act, 1981 and all the residents of the entire society have been forced to live since 2007 (from the time of possession) with the pollution caused due to absence of chimneys on D.G. Sets, rather it appears that the plaintiff Satish Govind has under a conspiracy to cause gains to M/s Assotech Realty Pvt Limited, the complaint has been lodged by not making the builder a respondent, and by even not marking your letter 1323/Sa. Patra. 74/2021, dated 22/10/2021 to the builder, an attempt has been made to project the undersigned RWA as the accused, which is illogical and is not fair from any form



WINDSOR PARK RESIDENTS WELFARE ASSOCIATION (Regd)

05, VAIBHAV KHAND, INDIRAPURAM, GHAZIABAD (U.P.) – 201014

It appears that by concealing the fact that since 2007 your department permitted M/s Assotech Realty Pvt Limited (Builder) to operate the D.G. Sets installed by them, even though there were no chimneys, the plaintiff Satish Govind in collusion with M/s Assotech Realty Pvt Limited, also concealed before Hon'ble Green Tribunal the fact of pending SLP - 13021/2012 before Hon'ble Supreme Court in which air pollution being caused due to absence of chimneys on D.G. Sets has been raised, all with the intent to trouble the undersigned board and to save the builder from the expenses to be incurred in installation of chimneys on the D.G. Sets, a false and motivated plaint has been filed

A separate plaint for Perjury shall be filed against the plaintiff Satish Govind for filing this false and motivated plaint

The undersigned will now submit a few points for your consideration in which the position of M/s Assotech Realty Pvt Limited (Builder), plaintiff Satish Govind and the RWA shall become clear and the points raised by you too shall be answered

1. When M/s Assotech Realty Pvt Limited (Builder) constructed the society and sold various flats, at that time itself builder provided power backup (D.G. Set) with each flat and there was no provision of buying a flat without power backup due to which all flat owners were bound to purchase flats along with power backup, and the builder charged a separate amount for this. Therefore the entire infrastructure for D.G. Set (Power backup) which includes chimney, earthing and diesel storage, etc. and permissions / no objection certificate from the concerned departments was the responsibility of the builder
2. In the presence of GDA officials and Police on 01/04/2015 Windsor Park Society was handed over but M/s Assotech Realty Pvt Limited (Builder) did not handover any plans, permissions / approvals, NOC, AMC etc. to the RWA and neither did GDA or the Deputy Registrar of Societies despite numerous letters and personal visits took any action against M/s Assotech Realty Pvt Limited (Builder) nor facilitated the undersigned board to procure any of these most important documents. Therefore the undersigned board is not in a position to furnish any information regarding the points raised by you



WINDSOR PARK RESIDENTS WELFARE ASSOCIATION (Regd)

05, VAIBHAV KHAND, INDIRAPURAM, GHAZIABAD (U.P.) – 201014

3. In the RWA elections on 09-06-2019 plaintiff Satish Govind was elected as President of the undersigned board but at that time neither any discussions were held regarding this issue nor any action was taken – although once he did suggest talking to the builder and withdrawing all cases filed against the builder
4. There is no additional income of the undersigned board, it only collects money from the Windsor Park residents for the daily maintenance and spends the same, which residents are all from the middle income group who are engaged in their work / occupation
5. The undersigned board has filed a petition in the Allahabad High Court against the builder for refund of the IFMS (nearly ₹ 3.65 crore + interest). It appears that the builder using Satish Govind as a pawn wants to entangle the board in other matters to frustrate the board so that it ultimately bows to the Builder and withdraws the claim for refund

The undersigned board assures your department that even while the SLP is pending before the Hon'ble Supreme Court, if with the view of public welfare action is initiated against M/s Assotech Realty Pvt Limited (Builder) for absence of chimneys on D.G. Sets, then the undersigned board will have no objection and that during the hearing of the said SLP the prayer to install chimneys on D.G. Sets might be withdrawn

Therefore you are requested that while withdrawing the letter 1323/Sa. Patra. 74/2021, dated 22/10/2021 addressed to the undersigned board with immediate effect, and taking appropriate action against M/s Assotech Realty Pvt Limited (Builder) for installing and operating D.G. Sets without installing chimneys above and then handing over the same to the RWA and escaping their responsibility, submit a compliance report to the Hon'ble National Green Tribunal, otherwise the undersigned board shall be forced to present their case along with complete facts before the Hon'ble National Green Tribunal

(S. P. Arya)
President, WPRWA

(Shobhit Tyagi)
Secretary, WPRWA

T. Arya

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISIDCTION
I.A. NO.OF 2022
IN
CIVIL APPEAL NO. 2441 OF 2015

IN THE MATTER OF :

Windsor Park Resident Welfare AssociationPetitioner

Versus

Vice Chairman, Ghaziabad Development
Authority & OthersRespondents

In the Matter of:

AN APPLICATION FOR EXEMPTION FROM FILING OFFICIAL
ENGLISH TRANSLATION.

To

The Hon'ble the Chief Justice of India
And Companion Justice of the
Hon'ble Supreme Court of India

The humble Petition of the
Petitioner above named.

MOST RESPECTFULLY SHOWETH AS UNDER:

1. That the Civil Appeal arises from the Special Leave Petition
filed against the Final Judgment Order dated 16.12.2010



- passed by the Hon'ble High Court of judicature at Allahabad in Civil Miscellaneous Writ No. 65358 of 2008.
2. That the appellant has set out the facts of the case in the aforesaid application for direction and the same are not repeated herein for the sake of brevity. The appellant craves leave of this Hon'ble Court to refer to and rely upon the same for disposal of this application.
 3. That Annexure A-5, & A-6 annexed along with the application was in vernacular language (Hindi) and due to urgency official translation could not be filed. They have been translated in English by the advocate proficient in both the languages.
 4. That the aforesaid documents are directly related to the matter and are important for adjudication upon the issue involved in the case. Hence the appellant may be exempted from filing Official English Translation of the same.
 5. That this application has been filed bonafide and it is in the interest of justice that the same be allowed as prayed for.

PRAYER



It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Exempt the appellant from filing official English translation of Annexure A-5 & A6 and/or;
- b) Pass any other Order(s) which this Hon'ble Court deems fit and proper under such circumstances facts of the case.

AND FOR THIS ACT OF KINDNESS THE APPLICANT SHALL EVER PRAY.

FILED BY

NEW DELHI

DATE: 7.01.2022

(SANTOSH MISHRA)
ADVOCATE FOR THE APPELLANT



ITEM NO.2

Court 1 (Video Conferencing)

SECTION III-A

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 SCivil Appeal No.2441/2015

WINDSOR PARK R.W.A.

Appellant(s)

VERSUS

VICE CHAIRMAN, GDA . & ORS.

Respondent(s)

(IA No. 3790/2022 - EARLY HEARING APPLICATION & IA No. 3791/2022 -
EXEMPTION FROM FILING O.T.)

Date : 14-02-2022 These applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Appellant(s)

Mr. Santosh Mishra, AOR

For Respondent(s)

Mr. Krishnanand Pandeya, AOR

Mr. Ravindra Raizada, AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamendra Mishra, AORMr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Bhuwan Chandra, Adv.Mr. Pradeep Agarwal, Adv.
Mr. Lal Pratap Singh, Adv.
Mr. Umesh Pratap Singh, Adv.
Mr. Arjun Agarwal, Adv.
Mr. Bhaskar Aditya, Adv.
Mr. Vishal Singh, Adv.
Ms. Ruchi Kohli, AORMr. Ram Niwas, Adv.
Mr. Nikilesh Ramachandran, AOR

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

The Court is convened through Video Conferencing.

Heard learned counsel appearing for the parties.

Application seeking exemption from filing official translation of Annexures is allowed.

Taking into consideration the averments made in the application seeking early hearing of the Civil Appeal filed by the appellant, the Registry is directed to list this appeal before an appropriate Bench as per subject-category after four weeks, for final disposal.

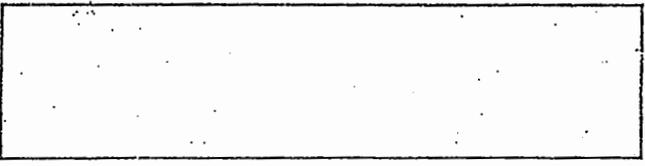
Application for early hearing is allowed in the afore-stated terms.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)



(59)



C.C. No.
FIR No.
U/S
P.S.

IN THE COURT OF The National Human Rights Tribunal

Suit / Appeal No. CA No 242 JURISDICTION OF 2021

In re: Sushu Khandelwal

Plaintiff(s) Or Petitioner(s)
Appellant(s) Or Complainant(s)

VERSUS

P. S. W. P. P. W. A. & Aves Defendant(s) / Respondent(s) / Accused

KNOW ALL to whom these presents shall come that I / We

The above named Sushu Khandelwal No 1 do hereby appoint

Sunil Sharma Adv.
207 207 Vinodkanti East New Delhi - 2
New All - 110024 Dist. 2572/01

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize him:-

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.

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.

To file and take back documents, to admit and/or deny the documents or opposite party.

To withdraw or compromise the said case or submit to arbitration any differences, or disputes that may arise touching or in any manner relating to the said case

To take execution proceedings on paying separate fee:

To deposit, draw and receive money, cheques, case and grant receipt hereof and to do all other acts and things which may be necessary to be done for the course of the prosecution on the

To appoint and instruct conferred upon the Advocate v.

And I / We the unders his substitute in the matter

And I/We undertake tha and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocat the said case. The adjournment costs whenever ordered by the court s and retain for himself.

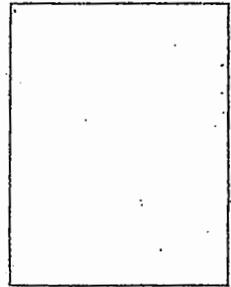
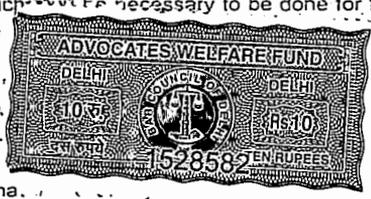
And I/We undersigned do hereby agree that in the event of th paid to the advocate remaining unpaid he shall be entitled to withdraw same is paid-up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the 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

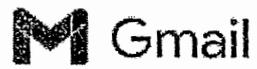
IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me / us on this 01 day of July 2022

Accepted subject to the terms of the fees:

Sunil Sharma
Advocate

Client Sushu Khandelwal Client
I Identify the Signature/Thumb Impression of the Below Mentioned Person, Who Has been Signed in my presence. The Client.





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Vinod Thakur <vinodadlo@gmail.com>

REPLY

1 message

Vinod Thakur <vinodadlo@gmail.com>

Fri, Jul 1, 2022 at 11:11 AM

To: satishgovind305@gmail.com

REPLY ON BEHALF OF THE RESPONDENT ASSOCIATION IN
PURSUANCE TO THE DIRECTION DATED 16.03.2022 PASSED
BY THIS HON'BLE TRIBUNAL.

--

VINOD KUMAR THAKUR
(DELHI HIGH COURT)

 Satish Govind.pdf
1184K