

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

O.A. No. 698 of 2023

IN THE MATTER OF:

Kaushalya Sharma

.....Applicant

Versus

Mathura Vrindavan Development Authority & Ors. .Respondents

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NDOH - 28/05/2024

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Through

Date: 24/05/2024



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
O.A. No. 698 of 2023

IN THE MATTER OF:

Kaushalya Sharma

.....Applicant

Versus

Mathura Vrindavan Development Authority & Ors. .Respondents

**INSPECTION REPORT BY AMICUS CURIE IN  
COMPLIANCE OF ORDER DATED 18.04.2024 PASSED  
BY THE HON'BLE TRIBUNAL.**

1. That the applicant has filed the present original application complaining about environment violations by respondent no. 2 (M/s Paras Real tech Limited) regarding rain water harvesting, plantation of trees etc. in the Housing Society Paras Pride Vrindavan, Plot No.- GH06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil and District-Mathura.
2. That the present matter was listed before this Tribunal on 18.04.2024 wherein the Hon'ble Tribunal was pleased to appoint the Advocate, Virendra Singh as an amicus curie to assist the Hon'ble Court in just

and fair adjudication of the questions involved. This Hon'ble Tribunal passed the direction as under:

*“The amicus curie may go through the pleadings/reports, visit the project in question to verify the factual position, obtain relevant material and submit his report suggesting remedial measures.*

*Report by amicus curie be also filed by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.”*

The copy of the order dated 18/04/2024 passed by Hon'ble Tribunal attached herewith and marked as **ANNEXURE A**.

**SITE INSPECTION AND REPRESENTATION OF THE PARTIES:**

3. That Amicus Curie scheduled his visit to project site and informed to all the parties regarding the inspection of project in question on 11.05.2024 through Email, Whatsapp and the Amicus Curie visited the project in question on 12.05.2024 at around 11:30 AM.
4. There were around 15-18 persons were also present at site. Those were informed about the order passed by this Hon'ble Tribunal. Electronic copy of the order 18.04.2024 passed by this Hon'ble Tribunal and requested for execution of Commission. wherein the

concern persons were present at project in question during visit of the Amicus Curie.

- a. Mr. Praveen Tayal (Project proponent)
- b. Dr Deepak Kapoor (Representative of Applicant)
- c. Mr. Sailesh Mourya (For UPPCB)
- d. Mr. Sunil Gautam (RWA Member)
- e. Ms. Deepti Sharma (Resident)
- f. Mr. Aakash Sharma (Resident)
- g. Jagdish Singh (Resident)
- h. Ms. Deepika Sharma (Resident)
- i. Ms. Soniya Sharma (Resident)
- j. Anuj Sharma (Resident)
- k. None for the office of MVDA
- l. None for Office of District Magistrate.

**STATUS AT SITE:-**

1. That during the visit the Amicus observed the Green area of the Project in question, Plantation, Rain Water Harvesting System, status of DG Set, two Bore wells, Municipal Solid Waste collect, Sewerage Network & Treatment, Fire System, Vehicle Parking area. The photographs showing the general view of the site is annexed herewith as **Annexure- B(Colly)**.
2. That the project site were having 08 tower, each tower containing 04 Floors and total around 300 flats developed on the project site having total area of the housing colony is 6997.90 Sqm. and built-up area is 13593.04 Sqm. (Block No.-1 to 8. The said colony Constructed G+4th floor at the Housing Society Paras Pride Vrindavan, Plot No.-

GH06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil and District-Mathura.

3. That during the visit it was observed that only 04 developed trees were noticed in project area, few pots were noticed in project site. The photographs of the trees inside the project area along with pots are attached herewith as **Annexure- C(Colly)**.
4. That it was further noticed that the project proponent and RWA recently settled the soil on concrete floor with the help of bricks and tried to develop the green area in project site. The photographs of the project area attached herewith as **Annexure- D(Colly)**.
5. That during the inspection it was noticed that DG set was fixed at ground and having the chimney of approx. 04 feet's height and DG set was not in function. The photographs of the DG Set are attached herewith as **Annexure-E (Colly)**.
6. That during the inspection it was noticed that two rain water Harvesting Systems were installed but not clean. The photographs of the Rain Water Harvesting System are attached herewith as **Annexure- F (Colly)**.
7. That during the inspection it was noticed that there are two bore well in project area, which appeared to be quite old. One bore well was inside the project area and another was installed outside the Main Boundary and Permissions were stated to be annexed by Respondent No. 2/Project proponent with additional reply at Page No. 324 to 331, which is valid from 02.04.2024 to 01.04.2029.

Photographs of the Bore Well are attached herewith as **Annexure-G (Colly)**.

8. That during the inspection it was observed and informed by the RWA representative that the society is having Sewage connection with municipal authority and the sewage is directly discharging into the municipal network. The photographs of the sewage line are attached herewith as **Annexure-H (Colly)**.

9. That during the visit it was observed that there were no specific designated site/bins for the garbage waste collection inside the project area and the RWA Members informed that the RWA is under contract with Municipal Authority for collection of daily waste and paid them on monthly basis.

However, it is necessary to mention here that there are two medium size bins (around 3.5 feet) noticed outside the society near main gate and no garbage, waste observed in Society during the visit but some garbage found at the back side of boundary wall. The photographs of the Bins and garbage waste are attached herewith as **Annexure-I (Colly)**.

10. That during the inspection it was observed that the Fire System installed and were functional. The photographs of the Fire Connection System are attached herewith as **Annexure- J (Colly)**.

11. That during the inspection it was observed that around 50 plus developed plants were maintained at the outer wall of the project site. The photographs of the outer wall of the project site shown plants are attached herewith as **Annexure-K (Colly)**.

12. That during the inspection it was observed that there is no reserved and proper parking area in project site and vehicles were parked on road of society. The photographs of the vehicles parked over concrete road are attached herewith as Annexure-L (Colly).

### **OBSERVATIONS & SUGGESTIONS**

On the basis of site inspection and information submitted by applicant and project proponent during inspection, observations and suggestions of are as follows:

- A. Builder has not developed any specific site for solid waste collection. The RWA/project proponent should maintain the specific site for the daily collection of municipal solid waste from project area and disposal at designated site of Nagar Nigam.
- B. Project proponent should establish the Sewage Treatment Plant at the project area to avoid the untreated discharge of sewage into MVDA sewerage network.
- C. The Exhaust height of DG set should be installed in premises as per norms.
- D. The Builder should develop proper green belt area as per plan.
- E. Project proponent should maintain designated parking for resident. Project proponent has to ensure parking norms as per approved plan of MVDA.

F. Rain Water Harvesting Systems should be cleaned and are made operational as per norms and only rain water is discharged into RWH pits.

5. The Hon'ble Tribunal may please consider this report and may pass appropriate order in the interest of justice.

Submitted By:

Date: 24/05/2024



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Item No.12

Court No. 1

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

Original Application No.698/2023

Kaushalya Sharma

...Applicant

Versus

Mathura Vrindavan Development Authority &amp; Ors.

...Respondents

Date of hearing: 18.04.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**Applicant: Mr. Shailendra Bhardwaj, Advocate for the Applicant  
(through VC).Respondents: Mr. Rachit Mittal, Advocate for Respondent no. 1  
(through VC).  
Mr. Rahul Khurana and Mr. Hasil Jain, Advocates for  
Respondent no. 2.**ORDER**

1. The applicant has filed the present original application complaining about violations by respondent no. 2 (M/s Paras Realtech Limited) regarding rain water harvesting, plantation of trees etc. in the Housing Society-Paras Pride Vrindavan, Plot No.-GH06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil and District-Mathura.

2. This Tribunal by order dated 10.11.2023 directed issuance of notices to the respondents and constituted a joint Committee with direction to verify the factual position and suggest remedial measures.

3. The Joint Committee has filed the factual and action taken report on 30.01.2024 reflecting following gross violations by respondent no. 2:-

*"3.0 Observations and Findings*

*On the basis of site inspection and information submitted by applicant and project proponent during inspection, observations and findings of Joint committee are as follows:*

*1. M/s Paras Realtech Ltd. (Paras Pride) is situated at Plot No.-GH-06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil & District-Mathura. The Geo-Coordinates of the M/s Paras Realtech Ltd. (Paras Pride) in Plot No.-GH-06, Rukmani Vihar Avasiya Yojna, Vrindavan, Tehsil & District-Mathura are Latitude-27.565736 & Longitude-77.660250.*

*2. As per the map provided by project proponent, the total area of the housing colony is 6997.90 Sqm. and built-up area is 13593.04 Sqm. (Block No.-1 to 8 (Block 1-1814.546 Sqm, Block 2- 1420.486 Sqm, Block 3-1211.236 Sqm, Block 4-2044.191 Sqm, Block 5-2048.216, Block 6-1511.991, Block 7-1814.546, Block 8-1696.640, Shopping-31.195 Sqm). The said colony Constructed G+4th floor. The approved map from concern authority is Annexure-1.*

*3. Builder has not developed any specific site for solid waste collection however, representative informed that Nagar Nigam daily collected solid waste from inside bins of project area [or disposal at designated site of Nagar Nigam.*

*4. Project Proponent has not obtained NOC from U.P. Pollution Control Board.*

*5. Project proponent has not obtained occupancy certificate from Mathura Vrindavan Development Authority.*

*6. Two nos. of Rain Water Harvesting are installed in premises but are found clogged and contaminated during inspection.*

*7. Project proponent is discharging untreated sewage into MVDA sewerage network.*

*8. Project Proponent has installed two nos. Bore wells inside premises for meeting water supply requirement but have not obtained permission from CGWA/CGWB.*

*9. The Exhaust/Stack height of DG set installed in premises is not as per norms.*

*10. Builder has not developed proper green belt area of 4191.852 sq m mentioned in plan. Only Two plants found inside project area.*

*11. Regional Office, U.P. Pollution Control Board, Mathura vide letter no.-1456/0-109/2024 Dated-10.01.2024 has sought information from project proponent but project proponent has not provided detailed information about project. Copy of letter is annexed at Annexure-2.*

*12. Regional Office, U.P. Pollution Control Board, Mathura vide letter no-1459/0-109/2024 Dated-11.01.2024 (Annexure-3) and reminder letter no.-1490/0-109/2024 dated-24.01.2024*

*has sought information /clarification from Vice Chancellor Mathura Vrindavan Development Authority, Mathura M/s Paras Realtech Ltd. (Paras Pride Project) located in Rukmini Vihar, Vrindavan, Mathura. Reply/Information is still awaited from Mathura Vrindavan Development Authority Annexure-4.*

*13. Photographs taken at the time of inspection of M/s Paras Realtech Ltd. (Paras)."*

#### *4.0 Recommendations*

- 1. Project proponent to obtain Occupancy certificate from MVDA and NOC from UPPCB respectively.*
- 2. Project proponent to obtain permission from CGWA/CGWB for withdrawal of ground water from Bore wells installed inside premises.*
- 3. Project proponent to operate DG set only after ensuring appropriate stack height.*
- 4. Project proponent to ensure that RWH is cleaned and RWHs are made operational as per norms and only rain water is discharged into RWH pits.*
- 5. Project proponent to ensure Green Belt and parking norms as per approved plan of MVDA.*
- 6. MVDA to provide status and ensure compliance of Green Belt and Parking norms as per approved plan of MVDA."*

4. Replies/responses have been filed by respondent no. 1 vide emails dated 01.02.2024 and 15.04.2024 and by respondent no. 2 vide emails dated 09.01.2024 and 16.04.2024.

5. Report has also been filed by UPPCB vide email dated 11.04.2024.

The relevant part of the report of the UPPCB reads as under:-

**"मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० सं०-698/2023 "कौशल्या शर्मा बनाम मथुरा-वृन्दावन विकास प्राधिकरण, मथुरा एवं अन्य" में पारित आदेश दिनांक-02.02.2024 के अनुपालन के सम्बन्ध में स्थलीय निरीक्षण आख्या।**

आपके आदेशानुसार संदर्भित साँसाइटी का निरीक्षण अधोहस्ताक्षरकर्ताओं द्वारा दिनांक 08.04.2024 को किया गया। निरीक्षण के समय साँसाइटी प्रतिनिधि के रूप में श्री प्रवीन तायल, प्रोपराइटर उपस्थित थे। बिन्दुवार निरीक्षण आख्या निम्नवत् है-

1. संदर्भित साँसाइटी मै० पारस रियलटैक लिमिटेड, जीएच-06, रूकमणी विहार, वृन्दावन, मथुरा पर स्थापित है, जो ताज ट्रैपेजियम क्षेत्र के अन्दर है।
2. संदर्भित साँसाइटी का फुल क्षेत्रफल 6997.00 वर्ग मी० है। कॉलोनी के बिल्डअप एरिया-13593.04 वर्ग मी० (ब्लॉक सं०-1 से 8) (ब्लॉक सं०-01-1814.546 वर्ग मी०, ब्लॉक सं०-02-1420.446 वर्ग मी०, ब्लॉक सं०-03-1211.236 वर्ग मी०, ब्लॉक सं०-04-2044.191 वर्ग मी०, ब्लॉक सं०-05-2048.216 वर्ग मी०, ब्लॉक

सं0-06-1511.991 वर्ग मी०, ब्लॉक सं0-07-1814.546 वर्ग मी०, ब्लॉक सं0-08-1696.640 वर्ग मी०, शॉपिंग-31.195 वर्ग मी०) पर निर्माण किया गया है।

3. संदर्भित सॉसाइटी को राज्य बोर्ड से सशर्त सहमति (जल/वायु) अवधि-31.03.2026 तक निर्गत है।

4. संदर्भित सॉसाइटी द्वारा ग्राउण्ड वॉटर के निष्कर्षण हेतु उ०प्र० ग्राउण्ड वॉटर अथॉरिटी से अनापत्ति प्राप्त है, जिसकी छायाप्रति संलग्न है।

5. संदर्भित सॉसाइटी में स्थापित डी०जी० सेट क्षमता-62.5 केवीए से सम्बद्ध एक्जॉस्ट / चिमनी की ऊँचाई निर्धारित मानकों के अनुरूप स्थापित है।

6. संदर्भित सॉसाइटी में 02 नग रैन वॉटर हार्वेस्टिंग स्थापित है।

7. निरीक्षण के सनय संदर्भित सॉसाइटी में लगभग 10% भू-भाग पर ग्रीनबेल्ट / वृक्षारोपण किया गया है (फोटोग्राफ्स संलग्न है)।

निरीक्षण आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।”

6. In its action taken report respondent no. 2 has also made detailed submissions regarding compliance with respect to the observations made by the Joint Committee.

7. The relevant part of the report filed by respondent no. 1 vide email dated 15.04.2024 is reproduced below:-

**“ACTION TAKEN REPORT IN COMPLIANCE WITH ORDER DATED 02.02.2024 PASSED BY THIS HON'BLE TRIBUNAL ON THE BEHALF OF RESPONDENT NO. 1 MATHURA VRINDAVAN DEVELOPMENT AUTHORITY**

X X X X  
6. That in compliance with the abovementioned order dated 02.02.2024, the Junior Engineer visited the site on 01.04.2024 and found that the following actions have been taken h) Respondent No. 02 in the project in question:

A. The Respondent No. 02 has completed the work of green belt in 10% of plot area in terms of the sanctioned map. Some of the photographs of completed green belt are annexed herewith and marked as ANNEXURE — I

B. Further, the rain water harvesting pits which were found clogged and contaminated, during the inspection of Joint Committee, were found to be clean and it is viable to use for the purpose of rain water harvesting at the questioned site. The photograph of cleaned RWH pit is annexed herewith and marked as ANNEXURE - II

C. The Respondent No. 2 has corrected the position and height of exhaust pipe of DG set. The photograph of the

*corrected position of pipe of DG set is annexed herewith and marked as ANNEXURE — III*

*D. During the inspection, it was informed by the representative of Respondent No. 2 that they have applied for the permission from the ground water authority for withdrawal of ground water through borewells installed at the questioned site vide its application dated 07.03.2024. A true copy of the application dated 07.03.2024 of Respondent No. 2 seeking permission from the ground water department is annexed herewith and marked as ANNEXURE — IV*

*F. That the Respondent No. 2 issued a letter dated 22.03.2024 to the Respondent No. 1, wherein it was informed that the Respondent No. 2 has removed all the deficiencies which were pointed out by this Hon'ble Tribunal and further, it was informed that for obtaining the completion certificate the Respondent No. 2 submitted its compounding map in the office of the Respondent No. 1. A true copy of the letter dated 22.03.2024 issued by the Respondent No. 2 is annexed herewith and marked as ANNEXURE — V*

*F. It is to bring to the knowledge of this Hon'ble Tribunal that on the application of the Respondent No. 2 for obtaining the completion certificate, the Respondent No. 1 is in the process of demolishing the excess construction done by the Respondent No.2.”*

8. Learned Counsel for the applicant seeks time to file objections to the reports filed by the UPPCB and respondent no. 1 and additional reply filed by respondent no. 2.

9. Objections to the reports filed by the UPPCB and respondent no. 1 and additional reply filed by respondent no. 2 be filed by the applicant by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

10. In view of the nature and magnitude of the environmental questions involved in the present case, we consider it appropriate to have the assistance of some Advocate as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved.

11. Accordingly, Mr. Virender, Advocate (Enrollment No. R-537/2020) is appointed as amicus curie to assist this Tribunal in just and fair adjudication of the questions involved.

12. The amicus curie may go through the pleadings/reports, visit the project in question to verify the factual position, obtain relevant material and submit his report suggesting remedial measures.

13. Report by amicus curie be also filed by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

14. Uttar Pradesh State Pollution Control Board is directed to pay an amount of Rs. 50,000/- to the learned amicus curie as honorarium out of the amount of environmental compensation lying deposited with it within one month from the date of this order.

15. Uttar Pradesh State Pollution Control Board is also directed to pay incidental expenses incurred by the amicus curie on travel, boarding and lodging etc. within one month of the submission of the bill by him, out of the amount of environmental compensation lying deposited with it.

16. List for further consideration on 28.05.2024.

17. A copy of this order be sent to the Member Secretary, UPPCB and Mr. Virender, Advocate (Enrollment No. R-537/2020) by email for requisite compliance

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 18<sup>th</sup>, 2024  
AG

**ANNEXURE- B**



















ANNEXURE-C



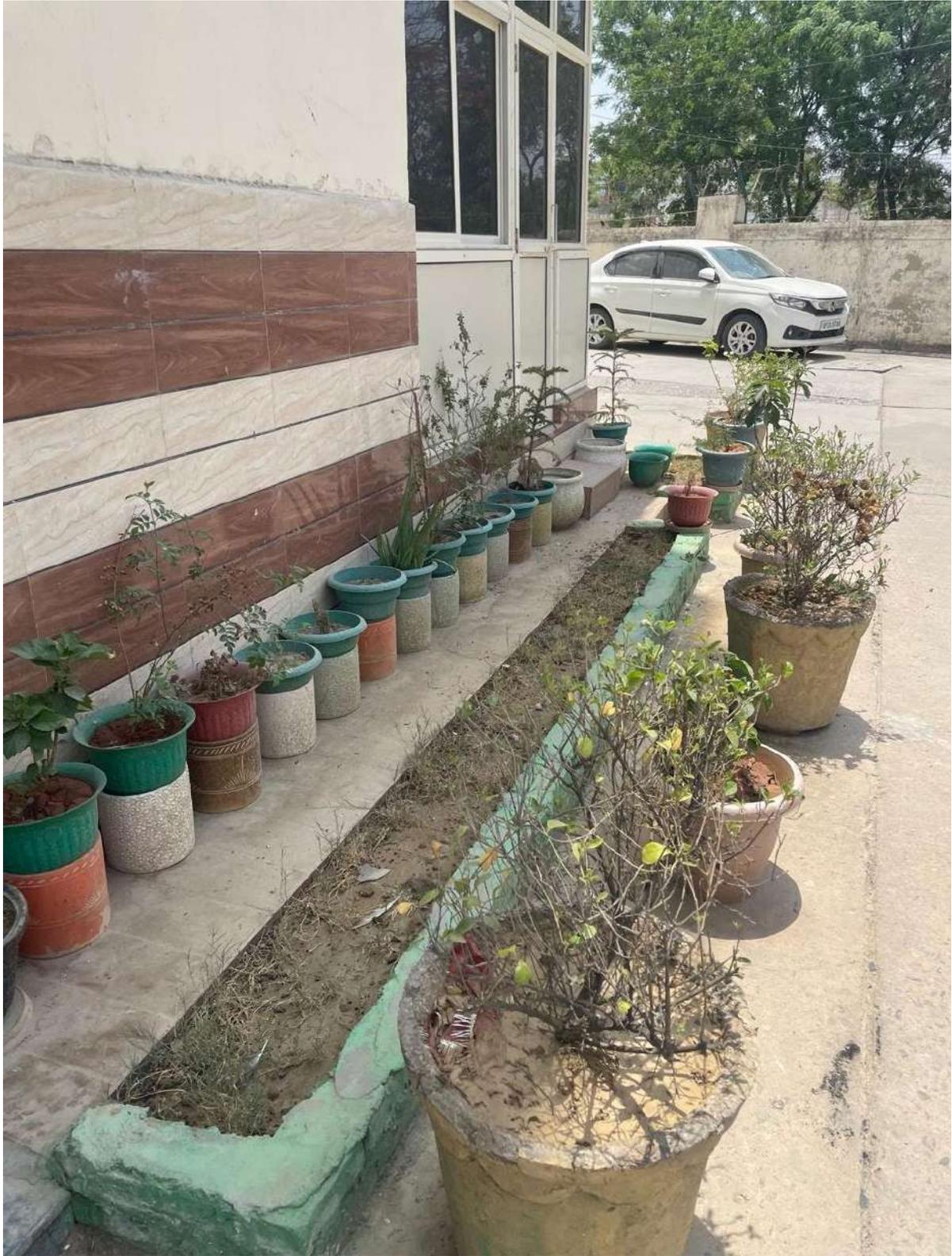
















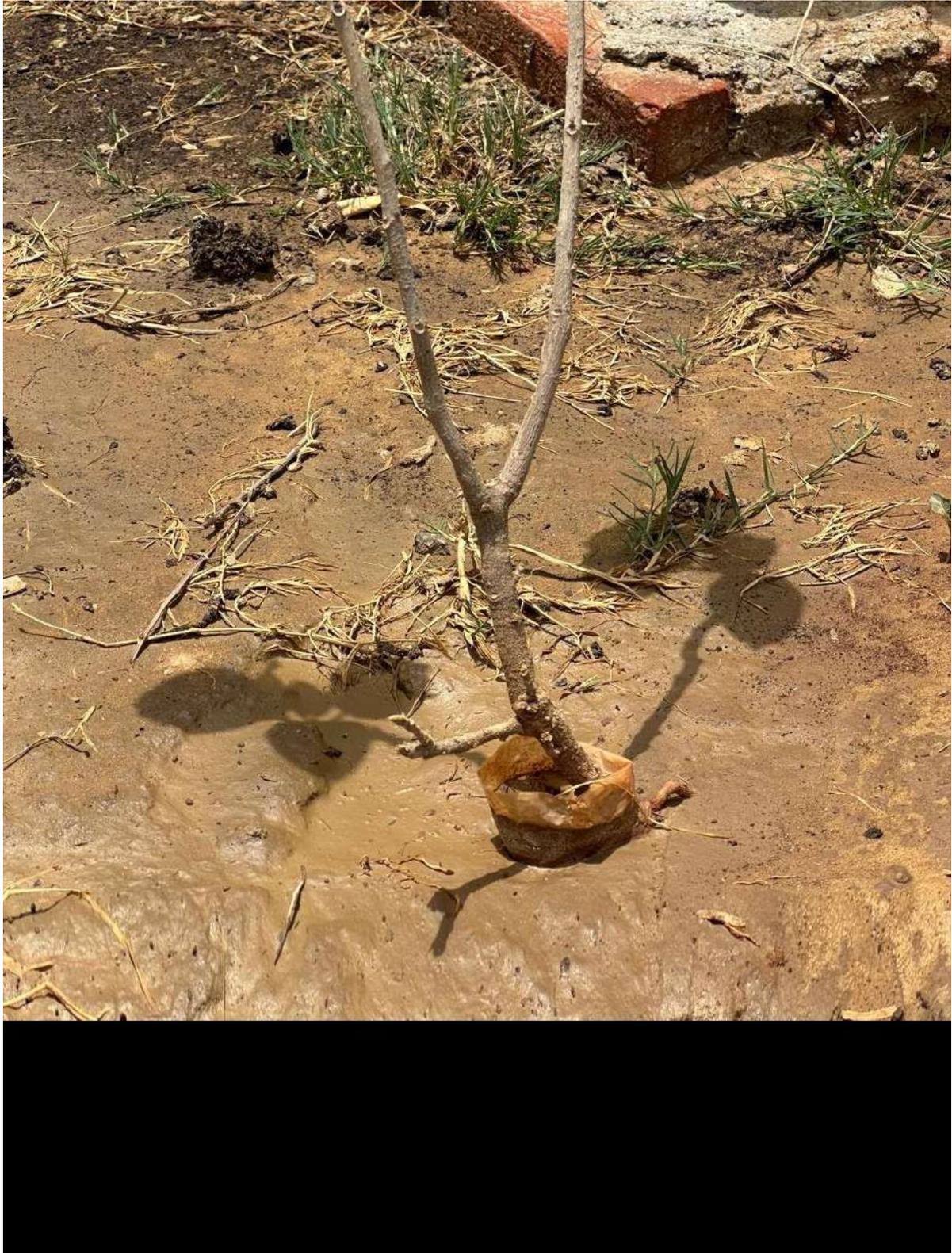


ANNEXURE-D







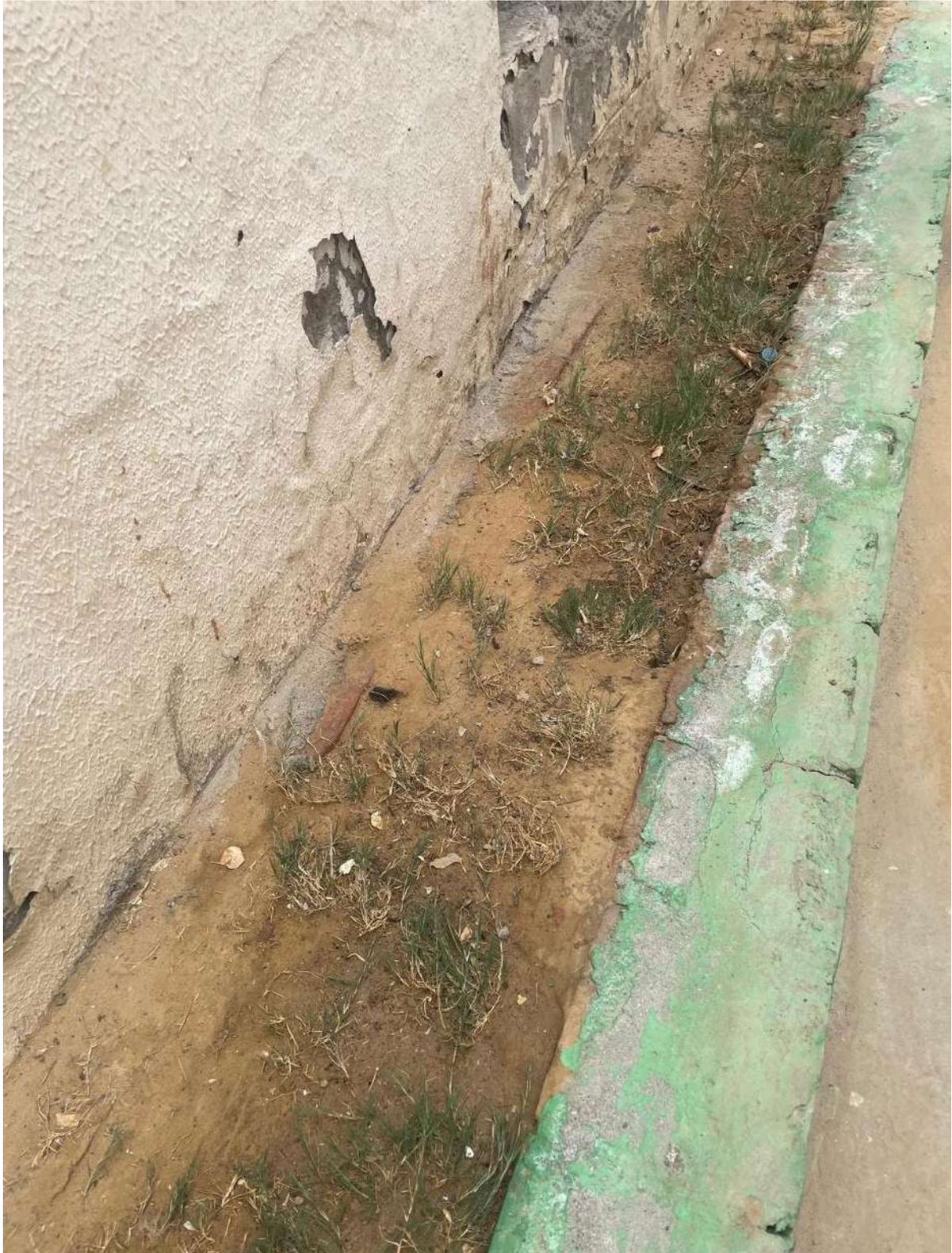
















ANNEXURE-E







**ANNEXURE -F**















**ANNEXURE-G**















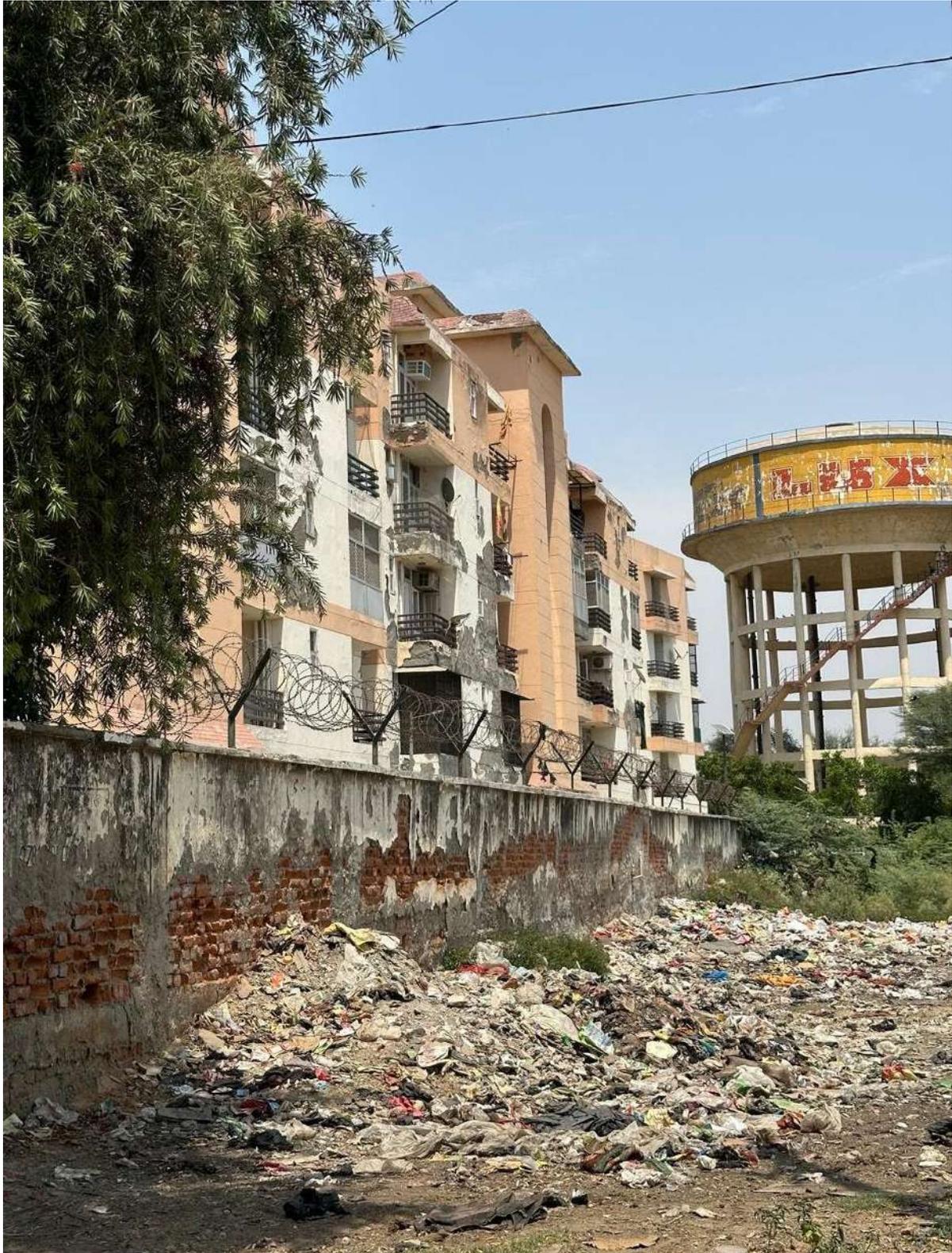
ANNEXURE-I













ANNEXURE-J

