



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद  
Regional Office, U.P. Pollution Control Board, Ghaziabad  
Website- www.uppcb.com, e-mail: roghaziabad@uppcb.in

संदर्भ संख्या : 2121...../NGT-126/OA-242/21/2022

दिनांक 05/03/2022

To,

The Registrar,  
The National Green Tribunal,  
Principal Bench,  
New Delhi  
E-mail- judicial-ngt@gov.in & ngt.filling@gmail.com

**Sub: Report of the Joint Committee submitted in compliance to Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi Order dated 18-10-2021 in OA No. 242/2021, Satish Govind Vs. President and Secretary, Windsor Park Residents Welfare association & AnR.**

Respected Sir,

With reference to the above subject mentioned above the joint committee inspected the site in compliance of Hon'ble National Green Tribunal order dated 18.10.2021 in OA No. 242/2021, Satish Govind vs. President and Secretary, Windsor Park Residents Welfare association & Anr. Joint Committee's report is hereby submitted for kind perusal and necessary action please.

**Enclosure: Joint report.**

Yours Sincerely

  
(Utsav Sharma)  
Regional Officer

**Copy to:**

- 1- Member Secretary, U.P. Pollution Control Board, Lucknow for information.
- 2- Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
- 3- Law Officer-I, U.P. Pollution Control Board, Lucknow for information.
- 4- Chief Environmental Officer, Circle-1, U.P. Pollution Control Board, Lucknow for information.

  
Regional Officer

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८  
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ २२६०१०

**Report in compliance to direction issued by Hon'ble NGT on dated 18.10.2021 in matter of OA No. 242/2021, Satish GovindVs. President and Secretary, Windsor Park Residents Welfare association &Anr.**

Hon'ble NGT on dated 18.10.2021 in matter of OA No. 242/2021, Satish Govind Vs. President and Secretary, Windsor Park Residents Welfare association &Anr has passed following 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 2 actions to control such pollution, but the WPRWA has not taken any action.

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](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

**Action taken by Joint committee:-**

Incompliance of above order Regional Officer, UPPCB, Ghaziabad vide letter no. 1370/NGT-126/OAno-242/2021 dated 27.10.2021 requested Member Secretary to nominate member from CPCB to carry out joint inspection. CPCB has informed about nomination for joint inspection vide letter dated 10.10.2021 copy of same is annexed as **Annexure-1**.

Accordingly joint inspection of project comprising following Official was carried out on dated 24.12.2021.

1. Shri Vipin Kumar, Additional District Magistrate (City) Ghaziabad.
2. Shri Kedarnath Dash, Scientist-D, Central Pollution Control Board, New Delhi.
3. Shri Kishan Singh, Assistant Environment Engineer, UPPCB, Ghaziabad
4. Shri Ranjeet Singh, Junior Engineer, UPPCB, Ghaziabad

During inspection Mr. Shishir Gupta, Manager, RWA Windsor Park was present as project representative. As per information provided by representative, the salient feature of project is as follows:-

1	Plot Area:	11 acres
2	No of Towers:	12 (with 10 to 23 multi-storied building)
3	Status of towers:	Residents are living in the Society since 2007. RWA has been looking

		after the maintenance since 2015.
4	No of Flats:	770
5	Project Commence on	2007
6	No's of DG sets	8 (2x600KVA, 5x 500KVA, 1x320KVA)

**1. Field observations:**

**A1) DG Sets Details Site 1 (Near block K & L):-**

Sl. No.	Genset Brand Name	Date of Manufacturing	Capacity	Type Approved	Stack Height	Distance from Nearest Building
1.	Jakson	2013	320 KVA	Yes	Inadequate	40 fit from K & L block
2.		March, 2010	500 KVA	Yes		
3.		July, 2008	600 KVA	Yes	Inadequate	30 fit from K & L block
4.		June, 2008	600 KVA	Yes		

**A2) DG Sets Details Site 2 (Near block B):-**

Sl. No.	Genset Brand name	Date of Manufacturing	Capacity	Type Approved	Stack Height	Distance from Nearest Building
1.	Jakson	April, 2007	500 KVA	Yes	Inadequate	31 fit from B block
2.		February, 2006	500 KVA	Yes	Inadequate	
3.		September, 2005	500 KVA	Yes	Inadequate	
4.		April, 2007	500 KVA	Yes	Inadequate	59 fit from B block

**A3) Age of Generators:-**

Sl No.	Age of Generators in years	No (s)
1	16	1
2	15	2
3	14	1
4	13	2
5	11	1
6.	08	1

- As on date, power supply position to the society has been improved. As per log book shown to the team, generator is hardly used. It is used for testing and occasional power cut for maintenance with prior intimation.
- Generators were installed during erratic power supply situation in past.
- Use of Generator set is not required if there can be a dedicated Genset for emergency purposes.
- This is a residential area and the area is having less traffic. Hence emission and noise pollution from other sources is hardly observed.
- As per UPPCB, Ghaziabad record Project has not obtained CTO for operation of D.G. sets.

7. On the inspection date there was ban on DGset use. Hence actual compliance in the premise of complainant couldn't be monitored.
8. During inspection Manager RWA Windsor Park told that the Petitioner Shri Satish Govind was himself an office bearer (President) of RWA in year 2019.

**Photographs taken during inspection are as below:-**



**DG set-01 and DG set-02**



**DG set-03 and DG set-04**



**DG set-05**



**DG set-06, DG set-07 and DG set-08**

**Action taken report by Joint committee:-**

**1. As per GSR 371(E); dated 17.05.2002 revised vide GSR 771(E); dated 11.12.13 regarding emission,**

- a) "Every manufacturer of engine or product, as the case may be, shall have valid certificate(s) of Type Approval and COP for each COP year, for all engine models being manufactured or, for all engine or product models being imported, after the effective date for the emission limits.
- b) "Stack height (in metres) for Genset shall be governed as per Central Pollution Control Board (CPCB) guidelines".

As per Emission Regulations Part IV: COINDS/26/1986-87 evolved by CPCB, the minimum height of stack with each generator set can be worked out using following formula:

$H=h+0.2\sqrt{KVA}$  where;

H= Total height of stack in metre

h= Height of the nearest building

KVA= Total generator capacity of the set in KVA

**2. CPCB Guide line for Genset use:**

On 25<sup>th</sup> February 2015, CPCB has submitted before the Hon'ble tribunal vide appeal no. 12(TOC) of 2013 and original application No 17(Tao) of 2013 in the matter of Market Welfare Association Vs. District Magistrate &Ors and Fashion Market Welfare Association Vs. District Magistrate, SAS Nagar &Ors and Sadhu Singh &Ors. Vs. The Chief Administrator &Ors that

- a) Any diesel generator set without certified acoustic enclosure as per GSR 371(E), dated 17<sup>th</sup> May 2002 not to be allowed to operate on or after 01.06.2015;and
- b) Generator sets manufactured on or after 17<sup>th</sup> May 2002 be scrapped and dismantled after its useful life, i.e., 15 years from the date of manufacturing or 50,000 hours of operation, which ever earlier.

### **3. Recent NGT direction:**

Hon'ble NGT principal bench has passed an order vide **OA No. 681; dated 06.08.19**, As per the order

- a) Evolve standards and norms for in-use DG sets below 800 KW categories.
  - b) For DG Sets already operational, ensure usage of either of the two options: (a) use of retrofitted emission control equipment having a minimum specified PM capturing efficiency of at least 70%, type approved by one of the 5 CPCB recognized labs; or (b) shifting to gas-based generators by employing new gas-based generators or retrofitting the existing DG sets for partial gas usage.
4. UPPCB, Ghaziabad vide letter dated 22.10.2021 sent a notice to Project proponent to obtain CTO and install stacks of adequate height on D.G. sets as per E.P. Act, 1986.
  5. UPPCB, Ghaziabad vide letter dated 12.01.2022 has sent a reminder notice to Project proponent to obtain CTO and install stacks of adequate height on D.G. sets as per E.P. Act, 1986.

### **Recommendations:-**

- Project shall install stack of adequate height on all DG sets as per E.(P.) Act, 1986.
- Generators of less than 15 years old may be allowed to be used.
- A separate Generator may be used for lift and emergency services.
- Complainant staying at D-13, 1<sup>st</sup> Floor around 200 meter distance from the position of Gensets. His complaint regarding emission and noise pollution from the Generator sets is redundant. Moreover, this is an issue with other residents that need to be addressed.
- Project shall obtain Consent to operate from UPPCB after ensuring compliances.

- As per guideline framed by Central Pollution Control Board, New Delhi for calculation of Environmental Compensation in compliance of Hon'ble NGT orders, Calculation comes out as below:-

$$EC=PI \times N \times R \times S \times LF$$

Calculation of Environmental Compensation for 01 day-  
(75x1x250x1.0x1.25) =Rs. 23,437.50

Housing society is old. Residents are living in the Society since 2007. As per CPCB and Hon'ble NGT orders Environmental Compensation can imposed for 05 years:-

$$(365 \text{ days} \times 5 \text{ years} \times 23,437.50) = \text{Rs. } 4,27,73,437.50/-$$

It is recommended to impose Environmental Compensation of Rs. 4,27,73,437.50 (Four Crores Twenty Seven Lakhs Seventy Three Thousand Four Hundred Thirty Seven Rupees Fifty Paise only) against this society.

The action taken report in the aforesaid matter is put up for your perusal and necessary action please.

Sl No.	Nominated From	Name	Signature
1.	District Magistrate Ghaziabad.	Vipin Kumar, ADM(City)	
2.	CPCB, Delhi	Kedarnath Dash, Scientist 'D'	
3.	Uttar Pradesh Pollution Control Board, Ghaziabad	Kishan Singh, AEE  Ranject Singh, JE	  



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद  
Regional Office, U.P. Pollution Control Board, Ghaziabad  
Website- [www.uppcb.com](http://www.uppcb.com), e-mail: [roghaziabad@uppcb.in](mailto:roghaziabad@uppcb.in)

संदर्भ संख्या : 320/एन०जी०टी०-126/ओ०ए०नं-242/2021

दिनांक 25/11/2021

सेवा में,

सदस्य सचिव महोदय,  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,  
ईस्ट अर्जुन नगर, दिल्ली।

**विषय: मा० एन०जी०टी० नई दिल्ली में योजित OA No-242/2021 Satish Govind Vs President and Secretary, Windsor Park Residents Welfare Association & Anr. में पारित आदेश दिनांक 18.10.2021 के अनुपालन के सम्बन्ध में।**

महोदय,

कृपया उपरोक्त विषयक मा० एन०जी०टी० नई दिल्ली में योजित OA No-242/2021 Satish Govind Vs President and Secretary, Windsor Park Residents Welfare Association & Anr. में पारित आदेश दिनांक 18.10.2021 को आदेश पारित किए गये हैं, जिसका मुख्य अंश निम्नवत है:-

".....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.

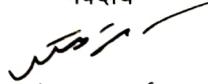
Accordingly, the CPCB, State PCB and the District Magistrate, Ghaziabad may take further remedial action to ensure compliance of air quality and noise standards in the operation of that Diesel Generator Sets. The State PCB will be the nodal agency for compliance and coordination. The State PCB may also 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](mailto: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....."

उपरोक्त के क्रम में आपसे सादर अनुरोध है कि मा० एन०जी०टी० द्वारा पारित आदेशों के अनुपालन में संयुक्त निरीक्षण हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड से प्रतिनिधि नामित करने का कष्ट करें, जिससे कि जिला प्रशासन की तरफ से नियत तिथि पर संयुक्त निरीक्षण कर आख्या मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली के समक्ष निर्धारित समयवधि में प्रस्तुत की जा सकें।

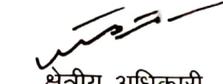
संलग्नक:उपरोक्तानुसार।

भवदीय

  
(उत्सव शर्मा)  
क्षेत्रीय अधिकारी

प्रतिलिपि:निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित।

1. जिलाधिकारी महोदय, गाजियाबाद।
2. मुख्य पर्यावरण अधिकारी, वृत्त-1, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।

  
क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई०एन०एस०-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108  
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010