

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

Original Application No.112/2024

IN THE MATTER OF:

Chaudhary Yashwant Singh

....Applicant

Versus

Union of India & Anr.

...Respondents

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| 1. | Response on behalf of Respondent no. 2, CPCB in compliance to the Hon'ble NGT order dated 02.02.2024 in OA No. 112/2024, Chaudhary Yashwant Singh Vs. Union of India & Anr. | |
| 2. | Annexure A-1: A copy of Hon'ble NGT order dated 02.02.2024. | |


(Sharandeep Singh)

Scientist-E

Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar
Delhi- 110032.

Date: 09.04.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Original Application No.112/2024

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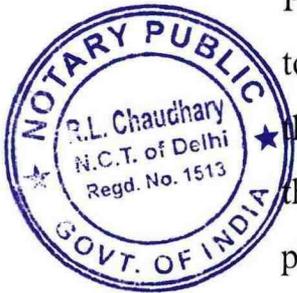
**RESPONSE ON BEHALF OF THE RESPONDENT No. 2: CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH:-

1. That I am, presently working in the capacity of Scientist E, at Central Pollution Control Board (hereafter called as CPCB), have been authorized to file the Present Response. I have read and understood the contents of the copy of the above Petition and I have perused the documents annexed therewith, and I am conversant with the facts and circumstances of the present case, I am duly authorized and competent to file the present Response on behalf of the Respondent No.2, CPCB

2. That Hon'ble NGT has passed an order dated 02.02.2024 in the matter of Original Application No. 112/2024 (I.A. No. 45/2024) Chaudhary Yashwant Singh Vs Union of India & Ors. to file reply/response. The relevant portion of Hon'ble NGT order is as below:

“Para 4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.



①

Para 5. Respondent No. 6 is directed to file the report reflecting the factual position in respect of location and operation of toll plaza in question especially in reference to the allegation of its setting up in the forest land without permission.

Para 6. List on 10.04.2024."

The Copy of the Order dated 02.02.2024 passed by this Hon'ble Tribunal in OA No. 112/ 2024 is annexed herewith as **Annexure A-1**

3. Save for averments specifically admitted herein or which are a matter of record, the Respondent No.2 denies each and every averment, contention, allegation, and assertion made in the Original Application insofar as the same is inconsistent with the Response.

PARA WISE REPLY ON MERITS

4. That the contents of paragraph 1 under reply of the Original Application are a matter of record and need no comments.
5. That the contents of paragraphs 2 under reply of the Original Application pertains to the filing of application by the applicant over alleged Illegal construction of Toll Tax Plaza/Hot Mix Plant as well as residential/officials complexes for workers and high mast light at Village -"Belkhara, Pargana –Ahraura, Tehsil Chunar, District Mirzapur on the Arajji no. 291MI. in 15 Bigha area, by the ACP, Tollways Pvt. Ltd./M/s Chetak Construction Company in alleged collusion with U.P. State Highway Authority (UPSHA} and other responsible concerned officials/departments, thus allegedly violating the provisions of the concerned Acts, clearance conditions, etc., and its impact on the environment. In this context, it is respectfully submitted that the Ministry of Environment, Forest and Climate Change, Govt. of India vide its

notification G.S.R. 376(E) dated 18th May, 2023 prescribed the standard for Hot Mix Plant, which includes emission standard, measures to control pollution due to Hot Mix Plant and siting criteria. Further, Hot Mix Plants are required to obtain consent to establish and consent to operate under the Air (Prevention and Control of Pollution) Act, 1981 from concerned State Pollution Control Boards/Pollution Control Committees. It is further, humbly submitted that violations, if any, under the concerned Acts/Rules are to be dealt with by the respective agency as per provisions stipulated under such Acts/Rules.



6. That the contents of paragraph 3 under reply of the Original Application relate to addresses of respondents which are a matter of record and hence need no comments.

7. That the contents of paragraph 4 under reply of the Original Application are allegations about damages and losses due to construction/ operation of toll tax plaza/toll fee collection centre and residential/ official complexes in forest land and non-action of the respondents in the matter. In this context, it is humbly submitted that, these are the matter of records and violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

8. That the contents of paragraph 5 under reply of the Original Application is provision of application as per National Green Tribunal Act 2010, which need no comments from this answering Respondent.

9. That the contents of paragraph 6 under reply of the Original Application are about public interest of applicant and alleged public injury due to construction / operation of toll tax plaza/toll fee collection centre and residential/ official complexes by violating conditions imposed in No Objection Certificate /Clearance issued by MoEF & CC. In this regard, it is humbly submitted that the allegations needs to be duly verified and

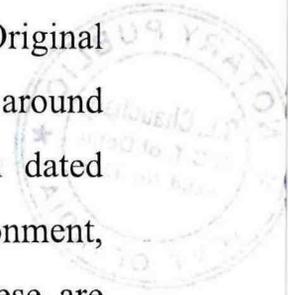
violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

10. That the contents of paragraph 7 and 8 under reply of the Original Application are about the Chandraprabha Wildlife Sanctuary and Eco-sensitive zone, various species within it and MoEF&CC notification for conservation of such kind of Forest Land and requirement of Environmental Clearance for road projects in such area etc. Hence, these are matter of records and need no comments from this answering Respondent.

11. That the contents of paragraph 9, 10 and 11 under reply of the Original Application are about purpose for declaring Eco-sensitive zones around National Parks and Sanctuaries and guidelines & notification dated 07.01.2019 for eco-sensitive zone issued by Ministry of Environment, Forest, and Climate Change (MoEF& CC), Govt. of India. These are matter of records and need no comments from this answering Respondent.

12. That the contents of paragraph 12 under reply of the Original Application are regarding illegal construction, violating the provisions provided under Environment (Protection) Rules. 1986 and Wild Life (Protection) Act 1927 and alleged construction on forest land without any No Objection Certificate approval from authorities and other alleged violation of forestry clearance conditions. In this regard it is humbly submitted that the allegations needs to be verified and violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

13. That the contents of paragraph 13 under reply of the Original Application are about alleged development of toll plaza and alleged corresponding approval, clearance, notices etc. issued in due course and this is to be verified and violations, if any, under the concerned Acts/Rules are to be



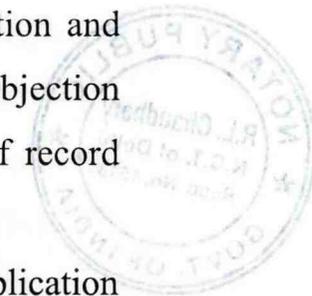
dealt by the respective agency as per provisions stipulated under such Acts/Rules.

14. That the contents of paragraph 14 under reply of the Original Application are about RTI application dated 24.05.2022 and 18.07.2022 filed by the applicant and RTI reply dated 24.08.2022 provided by U.P. State Highways Authority (UPSHA) regarding construction and operation of toll tax collection centre, approval and No Objection Certificate granted to ACP Tollways Pvt. Ltd. This is matter of record and needs no comments from this answering Respondent.

15. That the contents of paragraph 15 under reply of the Original Application are about RTI application filed by the applicant vide dated 24.05.2022 and information received from Mirzapur Forest Division, Mirzapur vide RTI reply dated 07.06.2022 and 20.06.2022 regarding construction and operation of toll tax collection centre, approval and No Objection Certificate granted to ACP Tollways Pvt. Ltd. This is matter of record and needs no comments from this answering Respondent.

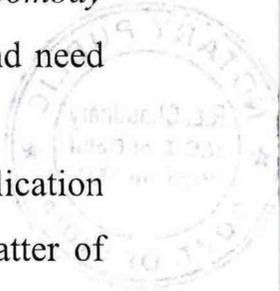
16. That the contents of paragraph 16 under reply of the Original Application are about applicant's alleged representation dated 28.11.2023 to the District Magistrate Mirzapur and Principal Secretary, U.P. Government Forest Division, Lucknow regarding issues raised by the applicant as stated above for taking immediate necessary actions in order to save the precious wildlife and forest situated in the Mirzapur Forest Division, Mirzapur as well as adjacent area of Chandraprabha Wildlife Sanctuary. This is matter of record and needs no comments from this answering Respondent.

17. That the contents of paragraph 17 under reply of the Original Application state about damage to wildlife due to non-forest activity in the forest land and applicant's concern for the wildlife. In this context, it is humbly submitted that, violations, if any, under the concerned Acts/Rules are to



be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

18. That the contents of paragraph 18 under reply of the Original Application are regarding provision of Article 48-A and Article 31-A(g) of the Constitution of India, which are regarding wildlife protection. The same is a matter of record and need no comment from this answering Respondent.
19. That the contents of paragraph 19 and 20 of the Original Application are about Doctrine of Sustainable Development and Hon'ble Supreme Court order in the matter of "*Bombay Dyeing & Mfg. Co. Ltd., (3) Vs Bombay Environmental Group and others*", which are matter of record and need no comments from this answering Respondent.
20. That the contents of paragraph 21 under reply of the Original Application state about Section 20 of the NGT Act, 2010. The same is a matter of record and need no comments from this answering Respondent.
21. That the contents of paragraph 22, 23 and 24 under reply of the Original Application state about the concept of 'polluter pays principle' duly incorporated in the Law as well as various relevant Supreme Court judgments, which are matter of record and need no comments from this answering Respondent.
22. That the contents of paragraph 25 and 26 under reply of the Original Application are about imposition of Environmental Compensation by Hon'ble NGT in various matters which are matter of record and need no comments from this answering Respondent.
23. That the contents of paragraph 27 under reply of the Original Application state about the alleged damage caused due to operation of toll plaza/hot mix plant in forest area and alleged violation of NOC granted by MoEF & CC, Govt. of India, violation of Wildlife (Protection) Act, 1972, Environment (Protection) Act, 1986 and responsibility of respondents in



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the said context and also about the United States Environmental Protection Agency guidelines regarding damage assessments. In this context, it is respectfully humbly submitted that, violations, if any, under the concerned Acts/Rules are to be dealt by the respective agency as per provisions stipulated under such Acts/Rules.

24. That the contents of paragraphs 28 to 47 under reply of the Original Application contain grounds of the original application. Reply to the contents in Grounds have already been given in previous paragraphs.

25. That the contents of paragraphs 48 to 51 under reply contain Limitation of the original application and rest paragraphs are about prayer of the applicant. These need no comments from this answering respondent.

PRAYER

That in view of above and of the facts indicated in earlier paragraphs it is respectfully prayed that necessary directions may be passed as this Hon'ble Tribunal may deem fit and proper under the circumstances and the CPCB/Respondent No. 2 undertakes to abide by any orders or directions passed by this Hon'ble Tribunal.



Sharandeep Singh

Scientist- E

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय)
(Ministry of Environment, Forest & Climate Change)
परिवेश भवन, पारिवेश
Parivesh Bhavan

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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Original Application No.112/2024

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...Applicant

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AFFIDAVIT

I, Sharandeep Singh, S/o Charanjeet Singh, aged about 44 years in the capacity of Scientist-E, having office at the Delhi, Central Pollution Control Board, Pravesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows:-

1. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.

2. That the contents of reply are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over to me and are not repeated herein for the sake of brevity.



Sharandeep
DEPONENT

शरन्दीप सिंह / Sharandeep Singh
वैज्ञानिक 'E' / Scientist 'E'
कीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग (भारत)
Ministry of Environment, Forest & Climate Change (India)
परिवेश भवन, पूर्वी अर्जुन नगर
Pravesh Bhawan, East Arjun Nagar, Delhi-110032

(8)

Verification

I, Sharandeep Singh, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032, the respondent No. 2 herein does hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

09 APR 2024

Verified at New Delhi on this the Day of April, 2024.



Sharandeep
DEPONENT

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED
[Signature]
NOTARY PUBLIC
GOVT. OF INDIA

09 APR 2024

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Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 112/2024
(I.A. No. 45/2024)

Chaudhary Yashwant Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 02.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Abhishek Kumar Chaubey, Adv. for Applicant (Through VC)

ORDER

1. In this original application, Applicant has raised the grievance that the Project Proponent in collusion with the Uttar Pradesh State Highway Authority and other concerned officers has illegally constructed/operating toll tax plaza (toll fee collection booth)/hot mix plant at Village Belkhara, Pargana-Ahraura, Tehsil Chunar, District Mirzapur on Araji No. 291 Mi in area of 15 Bigha which has been declared as Forest Land.

2. Submission of learned Counsel appearing for the Applicant is that no NOC has been taken and the forest land has not been converted and that though the permission was granted for operating 3 toll plazas but no such permission has been granted to toll plaza in question which is operating in violation of environmental norms.

3. The OA raises substantial issue relating to compliance of the provisions of Scheduled enactments.

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4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.
5. Respondent No. 6 is directed to file the report reflecting the factual position in respect of location and operation of toll plaza in question especially in reference to the allegation of its setting up in the forest land without permission.
6. List on 10.04.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 02, 2024
Original Application No. 112/2024
(I.A. No. 45/2024)
DV.

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