



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०

Ref. No H178169 /सी-1/ 1527 /2022

दिनांक

Date - 07/07/2022

To,

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

Sub: Supplementary Report in compliance of the order dated-21-12-2021 passed by Hon'ble National Green Tribunal, New Delhi in Original Application No. 193/2021 R G Residency Apartment Owner Association Vs State Of Uttar Pradesh & Ors.

Sir,

That in compliance of the order dated 21-12-2021 passed by the Hon'ble National Green Tribunal, New Delhi in Original application No. 193/2021, R G Residency Apartment Owner Association Vs State Of Uttar Pradesh & Ors., the Action Taken Report was filed on 25-02-2022. The supplementary report is annexed herewith and forwarded to you with the request that the same may be placed before the Hon'ble Tribunal.

Therefore the supplementary report is attached herewith for kind perusal and necessary action please.

Yours,Sincerely

(Vivek Roy)

Chief Environmental Officer, Circle-1

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. Regional Officer, UPPCB, Noida

Chief Environmental Officer, Circle-1

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SUPPLEMENTARY REPORT

IN

O. A. No.- 193/2021

**RG RESIDENCY APARTMENT OWNER
ASSOCIATION**

VS

STATE OF UTTAR PRADESH & ORS

Supplementary report in the matter OA No. 193/2021 R G Residency Apartment Owner Association Vs State Of Uttar Pradesh & Ors pending before Hon'ble National Green Tribunal, New Delhi.

- 1- In above noted case UP Pollution Control Board has imposed Environmental Compensation of Rs. 21,75,00,000/- (Rupees Twenty One Crore Seventy Five Lac only) against the Project Proponent.
- 2- Against the said Environmental Compensation imposed, the Project Proponent filed writ petition-C No.-2610 of 2022, M/S RG Residency Pvt Ltd Versus Uttar Pradesh Pollution Control Board before Hon'ble High Court of Allahabad at Lucknow Bench, Lucknow. Wherein the Hon'ble High Court has directed vide order dated 12.05.2022 while disposing of the writ petition to serve copy of inspection report on the project proponent within a week and after serving copy of inspection report, the petitioner shall file its reply before the appropriate authority concerned and thereafter appropriate order will be passed by the Board. (Copy of judgment and order passed by the Hon'ble High Court is enclosed).
- 3- Copy of inspection report was served on the project proponent vide email dated 25.5.2022 and personally on 26.05.2022. The project proponent filed reply on 06.07.2022 through email.
- 4- The reply filed by the project proponent is being considered thereafter appropriate order will be passed after considering the report.

Dated-07-07-2022


Regional Officer
U.P. Pollution Control
Board, Noida

Court No. - 2

Case :- WRIT - C No. - 2610 of 2022

Petitioner :- M/S R.G. Residency Pvt. Ltd. Through Its Director

Respondent :- Uttar Pradesh Pollution Control Board Thru. Member Secy. And Ors.

Counsel for Petitioner :- Arjun Krishna

Counsel for Respondent :- Ashok Kumar Verma, Ashok Kumar Verma, Chandra Shekher Pandey, Waseeq Uddin Ahmed

Hon'ble Devendra Kumar Upadhyaya, J.

Hon'ble Subhash Vidyarthi, J.

Heard Shri Anoop Trivedi, learned Senior Counsel assisted by Shri Arjun Krishna and Shri Saurabh Jain, learned counsel for the petitioner and Shri Ashok Kumar Verma, learned counsel for the U.P. Pollution Control Board.

When asked as to whether the spot inspection report which is the basis of the show-cause notice was provided to the petitioner, Shri Verma has very fairly stated that this spot inspection report was made part of the proceedings before the National Green Tribunal where the petitioner is a party, however, along with the show-cause notice issued to the petitioner copy of the said spot inspection report was not served.

Since the very basis of the show-cause notice, which is the spot inspection report was admittedly not provided to the petitioner along with the show-cause notice, it appears that while passing the order impugned in this petition, the principles of natural justice have been violated.

Learned Senior Advocate representing the petitioner has stated that the petitioner does not have any notice of any proceedings before the National Green Tribunal.

Be that as it may, since the show-cause notice, which ultimately resulted in passing of the impugned order, did not accompany the spot inspection report, even if it is presumed that the show-cause notice was served upon the petitioner prior to passing of the impugned order on 14-02-2022, the requirement of observance of principles of natural justice in this case has not been fulfilled.

Accordingly, we provide that the U.P. Pollution Control Board shall serve a copy of the inspection report on the petitioner within a week and upon its service, the petitioner shall file a reply before the appropriate authority concerned, who shall take a fresh decision in the matter. It is also made clear that the order

impugned in this petition dated 14-02-2022 shall be subject to the final decision which may be taken by the appropriate authority i.e. U.P. Pollution Control Board under this order that is to say that the order impugned in this petition shall abide by the order which may now be passed by the U.P. Pollution Control Board.

We also make it clear that we have not made any observation as to the merit of the claim of the respective parties.

With the aforesaid observations and corrections the writ petition is finally **disposed of**.

Order Date :- 12.5.2022

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